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THE  
**LEGISLATIVE ASSEMBLY DEBATES**  
(OFFICIAL REPORT OF THE FIFTEENTH SESSION OF THE  
FIFTH LEGISLATIVE ASSEMBLY)

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VOLUME I—1942

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- LEGISLATIVE ASSEMBLY

*Wednesday, 11th February, 1942*

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The Assembly met in the Assembly Chamber of the Council House in New Delhi, at Half Past Two of the Clock, being the First Day of the Fifteenth Session of the Fifth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935. Mr. President (The Honourable Sir Abdur Rahim KCSI) was in the Chair.

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MEMBERS SWORN

- Mr. Kshitesh Chandra Neogy, M L A (Dacca Division Non-Muhammadian Rural),  
Sir John Henry Swan Richardson, M L A (Nominated Non-Official),  
Mr. Kashinath Yeshwant Bhandarkar, M L A, (Government of India Nominated Official), and  
Mr. Muhammad Khurshid, M L A (Government of India Nominated Official)
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STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS.

INDIANS AND SINDHIS IN THE FAR EASTERN WAR ZONE

1. \*Mr. Lalchand Navarai (a) Will the Secretary for External Affairs be pleased to lay on the table of the House a full statement showing the arrangements which have been made in all parts of the Far Eastern war zone for the protection and evacuation of Indians and how far the arrangements have been carried out?

(b) What is the condition of Sindhis merchants and others, in the Far East since the beginning of the war? Are they free, or detained in

concentration camps? If detained in detention camps, what has been, and can possibly be, done for them?

(c) Have Sindhis in Manila gone out of the war zone? If so, will he please state their whereabouts?

(d) Will the Foreign Secretary please state the names of those Sindhis who have died and who are surviving, particularly of K K Ramchandani, Pribhdas and Company, Hira Dhalamal and their families?

(e) What help do the British Government propose to give the Indians for their repatriation to India?

(f) Are the properties of Sindhis living in the Far Eastern war zone in the hands of the survivors, or have they been destroyed or confiscated by the enemy?

**Mr O K Caroe** This question should have been addressed to the Honourable Member for Indians Overseas

**Mr Lalchand Navalrai** In view of the great importance of this matter, any of the Honourable Members may answer it

**The Honourable Mr M S Aney** I will answer that question on the 17th I have taken it over to me

#### INDIA'S REPRESENTATIVE'S SIGNATURE TO THE NEW ANTI-AXIS DECLARATION

**2 \*Mr Govind V Deshmukh** Will the Foreign Secretary please state

- (a) if Sir Girja Shankar Bajpai, Agent General for India in the United States of America, signed the new anti-Axis declaration and if this was at the bidding of the Government of India,
- (b) whether the terms of the anti-Axis declaration were communicated to the Government of India for approval before signature by Sir Girja Shankar Bajpai, the Agent-General in the United States of America, and whether Government had approved of them, and
- (c) whether the signature of India's representative to this declaration, along with the representatives of independent States, signifies that she has attained a political status equal to those States, if not, what its significance is?

**Mr O K Caroe** (a) Yes,

(b) the terms of the declaration were communicated to the Government of India through His Majesty's Government and had their general approval,

(c) the declaration embodies pledges for the employment of the full resources of all signatories and for such matters as making no separate peace, with general reference to the principles of the Atlantic Charter, but has no bearing on questions affecting the internal constitutional structure of any of the countries which signed it

**Mr Govind V Deshmukh:** What are the definite obligations that India has undertaken under the joint declaration?

**Mr. O. K. Caroe** I have a copy of the declaration here. All the signatories declare that they pledge themselves to employ their full resources, military or economic, against those members of the tripartite pact and its adherents with which such Government or any signatory Government is at war. Each Government pledges itself to co-operate with the other Governments signatory hereto and to continue the war against and not to make a separate armistice or peace with the common enemies or any one of them.

**Mr. Govind V. Deshmukh** May I know if China is one of the signatories?

**Mr. O. K. Caroe** I cannot give the Honourable Member a list of the signatories at this moment. I suggest he should put down a separate question.

**Mr. Govind V. Deshmukh** May I know what are the measures that will be taken to fulfil these obligations?

**Mr. O. K. Caroe** All possible measures that can be taken by a Government at war and associated with a number of other Governments.

**Mr. N. M. Joshi** May I ask whether India can sign a peace treaty or truce separate from Great Britain, and if India cannot do it, what is the significance of the signature of Sir Gurja Shankar Bajpai?

**Mr. O. K. Caroe** I think that the Honourable Member is taking time by the forelock.

**Mr. N. M. Joshi** I think it is better always, but may I ask what was in the mind of the Government of India when they signed this declaration that they will not make a separate treaty? Can they make a separate treaty from Great Britain? That is my question and I would like an answer to it.

**Mr. O. K. Caroe** I cannot give an answer to that question.

**Mr. N. M. Joshi** It is a clear question.

**Mr. O. K. Caroe** It may be clear, but it does not directly arise out of this particular question, and it also raises many questions of the very highest policy which will have to be considered in due course.

**Mr. N. M. Joshi** It is not irrelevant to the original question. The original question is whether the signature of India's representative to this declaration along with the representatives of other states signified that she has attained a political status equal to those states.

**Mr. President** (The Honourable Sir Abdur Rahim) That is a matter of opinion. I think the Honourable Member can draw his own inference.

**Mr. N. M. Joshi** I have drawn my own conclusions.

**Sardar Sant Singh** May I know if in granting this power to the representative of India in the United States of America, the Legislature has got any place or say in the matter?

**Mr. O. K. Garoe** The Legislature seems to be having a say in the matter at this moment

**Mr. Lalchand Navalrai** May I know if any of the representatives in this House or outside were consulted before instructions were given for signing this declaration?

**Mr O K Garoe** The Government of India was consulted

**Mr Lalchand Navalrai** I know, but I want to know whether any representatives of this House or any representatives outside of any party were consulted before authority was given to this declaration?

**Mr O K Garoe** The executive Government of India was consulted in the matter

**Mr Lalchand Navalrai** I want an answer to my question

**Mr. President** (The Honourable Sir Abdur Rahim) I think the Hon ourable Member can well draw that inference, that except the executive Government, nobody else was consulted

**Mr Lalchand Navalrai** I want the Honourable Member to say that

**Mr President** (The Honourable Sir Abdur Rahim) I think he has said that

**Mr Lalchand Navalrai** May I know whether that declaration will bind the whole of India or only the Government representatives on those benches?

(No answer was given)

**Maulana Zafar Ali Khan** May I know if the signature to that declaration was made by the Indian representative as the representative of a free country or as a dependency of England?

(No answer was given)

**Sardar Sant Singh** May I know in plain language whether any leader of any of the Parties in this House or in the Council of State was consulted?

**Mr President** (The Honourable Sir Abdur Rahim) One question has been put

(After a pause)

Presumably the representative on behalf of the Government is not in a position to answer

**Mr. Muhammad Ashar Ali:** What was in the mind of the Government of India, what status did the Government of India give to India when they asked their representative to sign?

**Mr O. K. Garoe** They wished to associate India with the most historic declaration, which relates to manifold matters in issue in the present war

**Sardar Sant Singh** May I know if it was merely intended to increase the number of signatories to that declaration without any regard for the feelings of India?

**Mr. President** (The Honourable Sir Abdur Rahim) It is a sarcastic question Next question

#### INSTALLATION OF MOTOR PLANT BY AMERICANS IN BRITISH INDIA

**3 \*Mr. Govind V. Deshmukh.** Will the Honourable Member for Supply please state

- (a) if any American or Americans have started installing any kind of motor plant in British India, and
- (b) if Government took any objection to the installation of such a plant, if so, what the objections were and how were they met?

**The Honourable Sir H. P. Mody** (a) The United States Administration proposes to establish and operate a plant in India on the Lease and Lend basis. The purpose of this is solely to enable supplies from America to Russia to be effectively used and the manufacture of trucks, as distinct from their assembly and repair is not in view. No commercial plant of any kind is being established.

(b) No objection can be taken by Government to a proposal which is in furtherance of the general war effort.

**Mr. Govind V. Deshmukh.** May I ask how these questions which were raised were dealt with,—for instance, the diversion of technical labour, priority certificates and other objections which were raised in the case of an Indian concern, how were they got over?

**The Honourable Sir H. P. Mody** We have nothing to do with those questions. The trucks are supplied by the United States and we are merely doing the assembling of them. The scheme is not yet complete and I cannot say at this stage what shape it will finally take.

**Babu Baijnath Bajoria.** The vehicles assembled in this plant—will they be assembled and given to Russia only and not to the Government of India for use in India?

**The Honourable Sir H. P. Mody:** They were not intended for use by anybody except Russia, and this was regarded as the most speedy way of helping Russia.

**Babu Baijnath Bajoria.** Are the Government aware that there is a considerable quantity of unassembled motor trucks in India and the capacity of the assembling plants here cannot cope with the assembling of these trucks?

**The Honourable Sir H. P. Mody.** I do not see how that question arises at all. We have been asked to do a specific job of work and we are trying to do it.

**Babu Baijnath Bajoria** It arises in this way If the opinion of the Government is that the assembling capacity of motor trucks in India should be increased, then the Government should have taken steps that the trucks assembled should have been used in India That is my point

**Mr President** (The Honourable Sir Abdur Rahim) That is arguing Next question

**LEASE OF SITE BY KARACHI PORT TRUST FOR PURPOSES OF SHIP-BUILDING AND REPAIRS**

**4. \*Mr. Govind V Deshmukh\*** Will the Honourable Member for Communications please state

- (a) if a site on water's edge somewhere in Karachi has been leased by the Karachi Port Trust to any firm of engineers for the purpose of ship building and repairs, and
- (b) what the name of this firm is, and who its partners are and what the terms of the lease are?

**The Honourable Sir Andrew Clow.** (a) Yes

(b) Messrs B R Herman and Mohatta, Limited This is a registered company of which the Directors, according to Thacker's Directory, are Rao Bahadur Seth Shivratan G Mohatta, Mr B Z Herman, Seth Chandratan G Moondra and Seth Girdhari Lal M Mohatta The terms of the lease provide for a rent of Rs 0-4-0 per square yard per annum plus Municipal tax for the duration of the war and three months thereafter This rent covers the free use of the foreshore

**Mr Lalchand Navalrai** May I know if these contractors have begun any work or done anything in respect of this lease that has been given to them?

**The Honourable Sir Andrew Clow.** I have no information on that point

**Mr Govind V. Deshmukh.** Are the directors the only shareholders?

**The Honourable Sir Andrew Clow** I have not the list of shareholders

**Mr. Muhammad Asrar Ali.** May I know if it was advertised?

**The Honourable Sir Andrew Clow:** This is not a contract given by Government but by the Port Trust

**SUPPLY OF WAGONS FOR TRANSPORT OF CENTRAL PROVINCES AND BERAR COTTON**

**5. \*Mr. Govind V. Deshmukh\*** (a) Will the Honourable Member for Railways and Communications please state if any officer representing the Government of the Central Provinces and Berar had negotiations with officers representing the Great Indian Peninsula Railway in the month of December 1941 or the first week of January 1942, about the supply of wagons for transporting cotton to Bombay?

(b) Were any conditions proposed by the Great Indian Peninsula Railway for supplying wagons? If so, what were the conditions?

(c) Were any terms suggested by the representative of the Central Provinces and Berar Government?

(d) What are the terms on which the supply of wagons has been allowed?

**The Honourable Sir Andrew Clow** (a) The question of transport of cotton to Bombay was discussed at a meeting with the Board of Transport, Bombay, which was attended by Representatives of the Central Provinces and Berar Government and Officers of the Great Indian Peninsula Railway

(b) and (c) No

(d) I understand that preferential supply of wagons is being given to staple variety of cotton

**Mr. Govind V. Deshmukh** May I know whether the arrangement about the preferential treatment in the case of long staple cotton was at the suggestion of the representative of the C P Government or whether it was a suggestion which initiated with the railway authorities and was accepted by the C P Government representative?

**The Honourable Sir Andrew Clow** I am not in a position to disclose what happened in the Board of Transport, Bombay

**Mr. Govind V. Deshmukh** I have put this question in the interests of the public. Do the Government consider that this matter cannot be disclosed in public interest?

**The Honourable Sir Andrew Clow** I consider that the proceedings of all these Boards of Transport should not be disclosed

**Mr. President** (The Honourable Sir Abdur Rahim) Next question

#### CERTAIN INFORMATION CONCERNING TICKETLESS TRAVELLING

**6. \*Mr. Amarendra Nata Chhattopadhyaya** (a) Will the Honourable the Railway Member be pleased to state if he has received any complaint against ticket checkers and collectors working in trains and at stations on State Railways since the Ticketless Travellers Act has been in operation? If so how many such complaints have been substantiated and what steps have been taken against them?

(b) Will the Honourable Member be pleased to state the income which accrued out of prosecution of ticketless travellers on (i) the East Indian Railway, and (ii) the Eastern Bengal Railway up to December 1941?

(c) How many travellers were found to have travelled beyond stations for which they had tickets and how many had travelled without a certificate from authorities and what was the amount of penalty realised from such travellers?

(d) Will the Honourable Member be pleased to state if there has been any case during 1941 in which ladies had to be forced out of trains on account of absence of ticket or for being over-carried for which they did not pay?

(e) Will the Honourable Member be pleased to state on which of the State Railways ticketless travellers were the largest in number and on which the lowest?

(f) Will the Honourable Member be pleased to state if any ticket checker or collector has been found to have allowed his personal friend or relative to travel without ticket, or, has any ticket collector been found to have taken illegal gratification from any ticketless traveller?

**The Honourable Sir Andrew Clow** (a) One such complaint was received by telegram, but the sender who was apparently travelling without a ticket gave no address, and no action was taken.

(b) and (c) I regret the information is not yet available.

(d) and (f) No such cases have been brought to the notice of Government.

(e) It is not possible to say how many ticketless passengers travelled on any railway, but during the year ending 31st March, 1941, of the Class I railways in British India the Bombay, Baroda and Central India Railway had the largest number detected and the Rohilkund and Kumaon Railway the smallest.

**Pandit Lakshmi Kanta Maitra** In view of the fact that the ticketless travel Bill was recently passed, do Government propose to compile statistics to show the effect of this legislation having been brought into operation?

**Mr President** (The Honourable Sir Abdur Rahim) Will the Honourable Member kindly speak louder?

**Pandit Lakshmi Kanta Maitra** In view of the Bill passed into law last year—I mean the Ticketless Travellers Bill—will Government consider the desirability of compiling statistics to show the effect of that legislation?

**The Honourable Sir Andrew Clow** We do collect statistics to show the detection of ticketless travel and the results of prosecutions instituted. But it is not possible to separate with any degree of precision the effect of particular changes in the legislation.

**Pandit Lakshmi Kanta Maitra** What I want to suggest to the Government of India is this. In that legislation we proposed certain concessions, such as, the granting of certificates to passengers travelling without tickets, and may I ask Government whether they propose to compile statistics, as far as possible, accurately to show the effect of that measure?

**The Honourable Sir Andrew Clow** I have explained that statistics are compiled and will continue to be compiled, but the question of how far any difference shown between statistics of one year and the statistics of preceding year is on account of particular changes in the law is obviously one of judgment rather than of measurement.



**RUSH OF TRAVELLERS FROM CALCUTTA DUE TO PANIC AND KUMBHA MELA AND  
CONSEQUENT RAILWAY EARNINGS**

**7 \*Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Railway Member be pleased to state what were the daily earnings on the East Indian Railway and the Eastern Bengal Railway at their starting stations, respectively, during the period of rush from Calcutta on account of panic during the period from the 20th to the 31st December, 1941?

(b) What were the earnings of the East Indian Railway at the Howrah Station on account of the Kumbha Mela rush?

(c) What was the total number of tickets issued during the period from the 20th to the 31st December, 1941 on account of rush of passengers due to panic and Kumbha Mela, and the total number of passengers in the first class, second class, intermediate class and third class, respectively?

(d) Will the Honourable Member be pleased to state if he had any information about corrupt practices of the ticket checkers at Howrah and Sealdah during the aforesaid rush period and if berths could be reserved only on extra payment, not required by law, to persons arranging berths?

(e) Will the Honourable Member be pleased to lay on the table a comparative statement showing the allotment of trains to meet the requirements of passengers for the Kumbha Mela this year and the previous occasion at Hardwar?

(f) Will the Honourable Member be pleased to state if he had any information about the extraordinary charges made by porters (coolies) during the aforesaid rush period at Howrah Station and whether passengers were allowed to board trains from sidings before the trains were brought to the station platforms?

**The Honourable Sir Andrew Clow** (a), (b) and (c) I am afraid I can only give the Honourable Member figures of the increases in the total number of passengers of all classes leaving Calcutta during the period mentioned, if he desires them. I have no information of the earnings resultant therefrom, nor can I differentiate between those who left Calcutta on account of panic, those who had desired to attend the Kumbha Mela and those who left for other reasons.

(d) Certain allegations have been made and I understand they are under investigation.

(e) No inward specials were run this year, but between the 16th and the 21st January, 29 specials were run to assist in the exodus. For the last Kumbha Mela at Hardwar in 1938, 400 inward and 407 outward specials were run.

(f) Yes, as regards the second portion of the question I understand the situation at Howrah was so tense that neither the Police nor the Watch and Ward Staff were able to prevent a certain number of passengers from entraining in the yards.

**Mr. Lalchand Navalrai** May I know if on these occasions the State Railway was able to cope with the passengers going out?

**The Honourable Sir Andrew Clow** They did their best.

**Pandit Lakshmi Kanta Maitra** May I know if the Government of India propose to delegate a portion of their powers to the Provincial Governments concerned to enable them to use them in this emergency for evacuation purposes, and not have these evacuations controlled by the Railway Board from Delhi or Simla?

**The Honourable Sir Andrew GLOW** No

**Pandit Lakshmi Kanta Maitra** In view of the fact that the railways are controlled by the Railway Board, do Government of India propose to delegate their powers to the Provincial Governments so that in certain emergency areas the latter may requisition railways for evacuation purposes?

**The Honourable Sir Andrew GLOW** No

**Pandit Lakshmi Kanta Maitra** May I know the reason why?

**The Honourable Sir Andrew GLOW** Because it is not possible to have effective control of a transport system like the railways placed in the hands of different authorities

**Pandit Lakshmi Kanta Maitra** I want to know from the Honourable Member now that an emergency has arisen in Calcutta

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member is arguing

**Pandit Lakshmi Kanta Maitra** I am putting a question. I want to know whether the Government of India propose to empower the Provincial Government, the Government of Bengal for instance, to run special trains on the Eastern Bengal Railway, the Assam Bengal Railway, the East Indian Railway and the Bengal Nagpur Railway for evacuation purposes rather than have the running of such railway trains controlled from Delhi

**The Honourable Sir Andrew GLOW** I have already answered that question in the negative

#### EAST INDIAN RAILWAY APPRENTICE MECHANICS AT JAMALPUR

**8 \*Qazi Muhammad Ahmad Karmi:** (a) Will the Honourable the Railway Member be pleased to state the number of apprentice mechanics on the East Indian Railway who are being trained at Jamalpur? How many of them are Indians and how many Anglo Indians?

(b) Is it or is it not a fact that the admission to the apprentice mechanic class is by competition?

(c) Is it or is it not a fact that candidates obtaining the highest marks in the examination are not taken according to their position, but a certain number of posts are filled up by taking Anglo-Indian candidates who might have obtained lower marks?

(d) If the answer to part (c) be in the affirmative, what is the reason for this preference?

(e) What is the reason for the abnormally high percentage of Anglo-Indians in this class?

**The Honourable Sir Andrew Clow** (a) 98, 45 are Indians and 53 are Anglo-Indians

(b) Yes

(c) Yes, if the requisite number of Anglo-Indians do not get in on merit

(d) The procedure has been laid down for ensuring the recruitment of members of minority communities to the prescribed percentage

(e) I would refer the Honourable Member to para 9(1) (a) of Home Department's Resolution No F 14/17-B /83, dated 4th July, 1934

**Qazi Muhammad Ahmad Kasmi** Did I hear the Honourable Member say that the number of Indians is 45 and Anglo-Indians 53?

**The Honourable Sir Andrew Clow** The figure is correct

**Qazi Muhammad Ahmad Kasmi** Has the Honourable Member considered that the minority community of Anglo Indians cannot have such a preponderant majority as 53 per cent? Has the Honourable Member considered that point in coming to a decision regarding this matter?

**The Honourable Sir Andrew Clow** I have not got here the exact percentage of recruitment but that was fixed with reference to the numbers previously prevailing in that particular branch of railway work

**Qazi Muhammad Ahmad Kasmi** In view of the fact that the candidates are not taken according to merit and they are taken according to community, will the Government consider that some proportion is to be fixed and that is not to be exceeded unless the minority gets in by competition?

**The Honourable Sir Andrew Clow** The proportion has been fixed It is not exceeded unless of course more get in on merits

**Lieut-Colonel Sir Henry Gidney** Is it or is it not a fact that the principle followed in the selection of candidates for appointment as apprentices is the same as that followed in other services where reservations are made for minority communities?

**The Honourable Sir Andrew Clow** The principle is the same, although the percentages are not necessarily identical

**Dr Sir Ziauddin Ahmad** May I just draw the attention of the Honourable Member that in the Resolution of 1934 the Muslims are recognised as the most important minority and here I find that the Anglo-Indians are considered to be the most important minority

(No answer)

#### ALLOWANCES TO EAST INDIAN RAILWAY APPRENTICE MECHANICS

9. **\*Qazi Muhammad Ahmad Kasmi:** (a) Will the Honourable the Railway Member please state whether it is or it is not a fact that the

course of study for apprentice mechanics on the East Indian Railway used to be five years and now it has been reduced to four years?

(b) Is it or is it not a fact that, during the course of apprenticeship, Indian candidates get Rs 10 to Rs 30 increasing with the year of study, while the Anglo Indian students get a higher allowance from the very beginning to make up their minimum of Rs 55? If so, what is the amount?

(c) Does the rule of minimum pay of Rs 55 apply even to students studying in this class? If so, under what provisions?

**The Honourable Sir Andrew Olow** (a) No, it is not a fact, but the East Indian Railway has been authorised because of the particular requirements or the present situation to appoint apprentices to working posts after four years training if they had the need to do so and the apprentices on examination are found fit for the posts

(b) The reply to the first part is in the affirmative, as regards the second part the amount varies with the locality and length of service of the Anglo Indian apprentice, but I understand it does not exceed Rs 15 in any case

(c) Yes, under the orders of the Government of India contained in the Home Department's Resolution No Ests (Special), No 14/5/88, dated 1st May, 1939

**Qazi Muhammad Ahmad Kasmi** May I know whether the apprentices who are receiving training are to be considered as on actual service?

**The Honourable Sir Andrew Olow** For the purpose of communal recruitment they are so considered

**Qazi Muhammad Ahmad Kasmi** Will the period of training be included in their service?

**The Honourable Sir Andrew Olow** It does not necessarily follow

**Qazi Muhammad Ahmad Kasmi** How can the pay be regulated, if that is not service

**The Honourable Sir Andrew Olow** A special pay is fixed for certain appointments as apprentices Whether it is service or not, I am not sure at the moment

**Mr N M Joshi** May I know whether this principle of minimum wage will be applied to other communities in India?

(No reply)

#### EXAMINATION AND INTERVIEW OF SPECIAL CLASS APPRENTICES AT JAMALPUR

10 **\*Qazi Muhammad Ahmad Kasmi:** (a) Will the Honourable Member for Railways please state whether it is or it is not a fact that the students getting training as special class apprentices at Jamalpur have an examination in writing as well as an interview every year and their final position is determined by the total number of marks obtained throughout the whole period?

(b) Is it or is it not a fact that the students are informed of the number of marks they obtain in the written examination but are not given any information regarding the marks they obtain in the interview? If so, what is the reason for this?

(c) How are the marks in different subjects distributed between the examinations in writing and interviews?

**The Honourable Sir Andrew Clow** I have called for information and a reply will be laid on the table of the House in due course

#### APPROVED CONTRACTORS OF THE SUPPLY DEPARTMENT

11. **\*Dr Sir Ziauddin Ahmad** (a) Will the Honourable Member for Supply please lay on the table a list of the approved contractors? What is the percentage of the Muslims?

(b) Will the Honourable Member please state the quantum of contract given to the approved contractors, and the percentage of the amount given to (i) Europeans, (ii) Parsees, (iii) Muslims and (iv) other classes?

**The Honourable Sir H P Mody** (a) Over 6 000 contractors have been registered by the Purchase Branch of the Department of Supply. The amount of time and labour involved in preparing a complete list of all these contractors or of estimating the percentage of Muslims amongst them would be wholly disproportionate to the value of the information. Government regret, therefore, that they cannot comply with the Honourable Member's request.

(b) Presumably, the Honourable Member is referring to the contracts given out since the beginning of the war. The number is so large that the time and labour necessary for collecting the information required by the Honourable Member would be out of all proportion to its usefulness. Government, therefore, regret that the Honourable Member's request cannot be complied with in this case also.

**Dr Sir Ziauddin Ahmad** It is the opinion of the Honourable Member that the labour involved in the collection of the information would be out of all proportion to its utility but from our point of view it is very important to have the information as to what the percentage of Muslims is. Our information in this respect is hardly any.

**The Honourable Sir H P Mody** It is my opinion that counts, doesn't it? I am asked to collect the information and my view is that the information would take so long to compile that the time taken over it would be disproportionate to the value of this information.

**Dr Sir Ziauddin Ahmad** I can compile it myself in two hours if the Honourable gentleman is willing to show the registers to me.

**The Honourable Sir H P Mody** If my friend will come along, he can look at the register!

**Mr Lalchand Navarai** May I know if in the approval of the contractors it is the policy of the Government to give it on communal ratios? Does this principle apply to the contractors also?

**The Honourable Sir H P Mody** I hope not

**Dr Sir Ziauddin Ahmad** Will Mr Navalrai object if all these contracts are given to Europeans?

**RAILWAY EMPLOYEE'S RIGHT IN AN ENQUIRY AGAINST HIM OF CROSS-EXAMINING A WITNESS**

**12. \*Mr Lalchand Navalrai:** Will the Honourable Member for Railways be pleased to state whether a provision has been inserted in the rules regulating discipline and rights of appeal of non-gazetted Railway servants providing, under Railway Board's letter No E 34/RG 6, dated the 22nd June, 1935, that an employee whose conduct is undergoing an investigation should be allowed the right of cross-examining a witness? If so, does this right of cross-examination also apply to cases under Rule 9 of the above rules, when an officer has dispensed with a departmental enquiry and makes an enquiry in some other manner? If not, why not?

**The Honourable Sir Andrew Clow** The answer to the first part is in the affirmative and to the second part in the negative. It is not regarded as desirable to extend the provision to cases where a departmental enquiry has been dispensed with.

**Mr. Lalchand Navalrai** May I know from the Honourable Member if the inquiry is made in a manner different from the departmental inquiry? Is the person examined or evidence taken for the purpose of finding out the guilt or otherwise of the man?

**The Honourable Sir Andrew Clow.** There are not always witnesses

**Mr Lalchand Navalrai** But whenever there are, will the Government allow cross examination to be done by the same man when the witnesses are being examined and if not, why not?

**The Honourable Sir Andrew Clow** I am not sure what the Honourable Member means by 'the same man'

**Mr Lalchand Navalrai** I mean the officer because inquiries will be made either departmentally or by the same officer who will have to examine witnesses at any rate at some time. Therefore, I am asking what difference it would be and why not that concession should be given so that he may put his case properly.

**The Honourable Sir Andrew Clow** The procedure in the two cases is different and it is not intended to extend the provision of cross examination to cases where a departmental inquiry is dispensed with.

**Mr Lalchand Navalrai.** May I know what is the difference between the two, because

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member is arguing

**Lieut.-Colonel Sir Henry Gidney** Will the Honourable Member state whether occasions do not arise—I won't say frequently—when a subordinate is tried and judged by the same officer? If the answer is in the affirmative, will the Honourable Member please give his consideration to some modification of these rules so that, in any enquiry, the subordinate, i.e., the employee will be assured of some justice?

**The Honourable Sir Andrew Clow** I cannot see that there is anything wrong in a subordinate being tried and judged by the same officer. An accused in a court is tried and judged by the same presiding officer.

**Lieut.-Colonel Sir Henry Gidney** I am afraid I have not explained myself sufficiently on this most important matter or the Honourable Member has not seen my point. I mean an instance when a subordinate has been found guilty by an officer and punished and when he appeals the appeal is decided by that very officer who originally punished him and who would hardly reverse his own original judgment.

**The Honourable Sir Andrew Clow** The appeal ought to lie to a different authority, I quite agree.

**Lieut.-Colonel Sir Henry Gidney** In this agreement does the Honourable Member feel satisfied that these inquiries are properly and equitably conducted or does he consider that the rules require some drastic modification?

**The Honourable Sir Andrew Clow** We never reach perfection.

**Lieut.-Colonel Sir Henry Gidney** I agree, but is there no chance of approaching that end?

**Mr. President** (The Honourable Sir Abdur Rahim) I think the Honourable Member is now arguing.

## UNSTARRED QUESTIONS AND ANSWERS

### REFUND OF CERTAIN EXCESS RECOVERIES OF MEDICAL FEES FROM EMPLOYEES ON NORTH WESTERN RAILWAY

1. **Mr. Lalchand Navalsai** (a) With reference to the Honourable the Railway Member's reply to part (c) of my unstarred question No. 2, asked on 5th November, 1940, regarding refund of excess recoveries made from employees' wages on the North Western Railway in regard to medical fees payable to Sub-Assistant Surgeons, will he please state when the necessary refunds will be arranged?

(b) Is it a fact that the North Western Railway Administration have to recover from such persons the excess payments made to the Sub-Assistant Surgeons, and refund the said amount to employees concerned? If so, what is the cause of the delay?

**The Honourable Sir Andrew Clow** (a) Government do not contemplate directing any refunds to be made because the amounts were drawn in good faith with either the express or implied agreement of the employee.

(b) Does not arise in view of the reply to part (a)

### STUDY LEAVE TO SUBORDINATE SERVICE EMPLOYEES ON NORTH WESTERN RAILWAY

**2. Mr. Lalchand Navalrai.** (a) Will the Honourable Member for Railways be pleased to state the number of employees in subordinate service on the North Western Railway who have been given study leave during the period from 1st April, 1939 to 31st August, 1941? If there are no such instances is it because there are no applications, or because the leave has been refused for some reasons? If so, will the Honourable Member please state the reasons for such refusal?

(b) Is it a fact that several medical employees have been refused study leave even at their own expense? If so, why?

(c) What are the general rules for grant of study leave, whether at railway or employees' own expense, for higher education for a diploma, degree or any other branch of knowledge, which might help the employee in displaying a better standard of efficiency in service?

**The Honourable Sir Andrew Olwe** (a) No subordinate on the North Western Railway was given study leave between 1st April 1939 and 31st August 1941. As far as can be ascertained, one application for such leave was received, but it was refused, because such leave is not ordinarily admissible for subordinates, and the course of study which the employee proposed to pursue was not being held during the war.

(b) If the Honourable Member has in mind the case of medical subordinates undertaking courses of study during periods of ordinary leave earned by them, as far as can be ascertained four applications for such leave were sanctioned while two were refused in the exigencies of the service.

(c) The rules are contained in Appendix XXXIII to the State Railway Establishment Code, Vol II, a copy of which is in the Library of the House.

### IGNORING OF CLAIMS OF CERTAIN PERSONS FOR APPOINTMENT TO HIGHER GRADES ON EAST INDIAN RAILWAY

**3. Maulvi Syed Murtuza Sahib Bahadur** Will the Honourable Member for Railways please state if it is a fact that in making appointments in the higher grades and to posts in the non Gazetted services, the East Indian Railway authorities have ignored the claims of persons, who were senior and eligible for promotion and possessed the requisite qualifications and experience, and selected persons for those grades and posts from outside the recognised avenue of normal advancement?

**The Honourable Sir Andrew Olwe** Government have no reason to believe that the facts are as stated in the first part of the question. As regards the second part, while Government have no particulars of such appointments being made, they are permissible when the interests of the public service are served thereby.



**SUBJECTING CERTAIN EXEMPTED STAFF TO FURTHER EXAMINATION ON EAST INDIAN RAILWAY**

**4. Maulvi Syed Murtuza Sahib Bahadur** Will the Honourable Member for Railways please refer to

- (i) the information given on the 11th February, 1941, in reply to unstarred question No 22 asked on the 5th November, 1940, *viz*, "who had passed the goods examination at the old Oudh and Rohilkhand Railway Training School at Chandausi were not required to pass any further examination on that subject",
- (ii) the reply given to unstarred question No 1 asked on the 31st August, 1936, *viz*, "Goods Audit Examination is no longer compulsory for the Inspectors on the commercial side",
- (iii) the results of the Goods Examination and the Coaching Examination held at Chandausi Training School published on pages 35 and 37 under Notification No 88 of Part III of the Oudh and Rohilkhand Railway Weekly Gazette No 10 of 1921, dated the 7th May, 1921, and
- (iv) paragraph 654 of the East Indian Railway Gazette No 21, dated the 23rd May, 1928, as reproduced in paragraph 53 of the East Indian Railway Gazette No 2 of the 15th January, 1941, regarding passing further examination on those subjects by persons who aspire for senior subordinate commercial posts, and state
  - (a) if it is a fact that the staff, who were exempted by paragraph 715 of the East Indian Railway Gazette No 23 of 1929, dated the 5th July, 1929, are required to pass further examinations in those subjects,
  - (b) if it is a fact that the staff who passed the Coaching and Goods Examinations as per results published in the Oudh and Rohilkhand Railway Weekly Gazette No 10 of 1921, are forced to pass further examinations in those subjects by the decision of the Chief Commercial Manager as communicated in letter No OPE456 (Higher), dated the 9th July, 1941, from the Deputy General Manager (P), East Indian Railway, Calcutta, and
  - (c) the action taken by Government to protect the staff from victimization if no action has been taken, the reasons therefor?

**The Honourable Sir Andrew Clow** (a) and (b) I have no information on these points but am making an enquiry and a reply will be laid on the table of the House in due course

(c) No action has been taken as no occasion for this arose

**HARDWAR RAILWAY TICKET FRAUD CASE**

**5. Maulvi Syed Murtuza Sahib Bahadur** Will the Honourable Member for Railways please state

- (a) the total expenditure on the Hardwar Ticket Fraud Case incurred by the Moradabad Division, East Indian Railway,

- (b) the names of the counsels and the amounts paid to each of them by the Railway,
- (c) the amount paid for the residences of the counsels by the Railway at Saharanpur, and Dehra Dun,
- (d) the sums paid to counsels by the Railway for journeys by rail and by road, respectively,
- (e) the amount paid to counsels by the Railway for
  - (i) clerical labour,
  - (ii) copying charges, and
  - (iii) obtaining copies of the judicial record,
- (f) a description of the residences provided for the counsels by the Railway,
- (g) the terms of the agreements made between the counsels and the Railway engaging their services for that case,
- (h) whether the counsels were engaged by the Railway on the suggestion or recommendation of
  - (i) the District Magistrate
  - (ii) the Government Pleader, or
  - (iii) the Local Government of the United Provinces,
- (i) the total expenditure incurred by the Provincial Government,
- (j) the reasons for the difference in expenditure incurred by the Railway and the Provincial Government,
- (k) the justification for the expenditure on the counsels by the Railway, and
- (l) whether the local civil authority (District Magistrate) was consulted regarding the payments made to the counsels by the Railway, if not, why not?

**The Honourable Sir Andrew Clow** (a) to (g). I regret that I cannot undertake to collect all the information desired, but I have asked for the aggregate of the expenditure incurred by the railway administration and for the amounts paid to counsel and any amount spent in providing residences for them. These particulars will be laid on the table of the House in due course.

(h) and (l). An inquiry is being made and information will be laid on the table of the House in due course.

(i) and (j). I have no particulars of provincial expenditure, but as this is not incurred on the same items as the expenditure by the railway administration, there is no reason why the two aggregates should correspond.

(k). Expenditure on counsel was necessary to ensure the proper presentation of the case before the various Courts.

**APPLICABILITY OF CERTAIN HOME DEPARTMENT LETTER OF 1883 TO  
NON-GAZETTED RAILWAY SERVANTS**

**6. Maulvi Syed Murtuza Sahib Bahadur** Will the Honourable Member for Railways please state whether Home Department letter No 50-1682, dated the 13th November, 1883, regarding dismissals of subordinates for misconduct, is applicable to non-gazetted Railway servants under the Government of India?

**The Honourable Sir Andrew Clow:** The answer is in the negative

**REMOVALS FROM SERVICE OF EAST INDIAN RAILWAY EMPLOYEES IN  
FURTHERANCE OF WAR EFFORTS**

**7 Maulvi Syed Murtuza Sahib Bahadur** Will the Honourable Member for Railways please state

- (a) if it is a fact that the General Manager, East Indian Railway, has laid down a policy or principle in furtherance of war efforts to the effect that the agreement of the staff be terminated by giving them one month's pay in lieu of notice and that they may be induced to join the Railway units for service under the Defence Department,
- (b) if it is a fact that in furtherance of the said policy a large number of staff have been removed from service since September 1939, and
- (c) whether he will lay on the table of the House a list of the staff in each Division, who were removed from service as per terms of their agreement without assigning the reasons for their removal since the 1st September, 1939?

**The Honourable Sir Andrew Clow:** (a) and (b) Information has been called for and a reply will be laid on the table of the House in due course

(c) I do not propose to lay lists on the table or to set out the reasons in each case, but an endeavour will be made to furnish the number involved

**CERTAIN APPOINTMENTS AND PROMOTIONS MADE BY THE TRAFFIC MANAGER  
OF THE OUDH AND ROHILKHUND RAILWAY**

**8 Maulvi Syed Murtuza Sahib Bahadur** Will the Honourable Member for Railways please refer to Notification No 25 of Part I of the Oudh and Rohilkhand Railway Weekly Gazette No 5 of 1921 (pages 47—49), dated the 29th January, 1921, regarding the scales of pay for Traffic Department Subordinates with effect from the 1st June, 1920, and state whether the appointments and promotions to the classes of Assistant

Station Masters (100—290), of Controllers (150—340), of Yard Masters (150—290) and of Guards (100—180), are being made by the Traffic Manager of that Railway?

**The Honourable Sir Andrew Clow:** Government have not seen the notifications referred to, but the promotions referred cannot now be made by the Traffic Manager of that Railway as no such appointment now exists.

**CERTAIN PAPERS CONCERNING ORGANIZATION OF THE OUDH AND ROHILKHUND RAILWAY ON DIVISIONAL BASIS**

**9. Maulvi Syed Murtuza Sahib Bahadur** Will the Honourable Member for Railways please lay on the table of this House

- (a) Letter No 1805-E/A, dated the 4th April, 1925, from the Agent, Oudh and Rohilkhund Railway, regarding the organization of the Oudh and Rohilkhund Railway on the Divisional basis,
- (b) Circular No 2 of 1925, dated the 22nd April, 1925, by the Agent, Oudh and Rohilkhund Railway, regarding the organization of the Oudh and Rohilkhund Railway on the Divisional basis, and
- (c) the Supplement to the Oudh and Rohilkhund Railway Weekly Gazette No 2 of 1925, dated the 30th January, 1925, regarding the formation of a new department called "The Operating Department"

**The Honourable Sir Andrew Clow** No copies of the communications referred to are available with the Railway Board, and as they apparently relate to the internal organization of a railway which no longer survives as a separate entity I regret that I cannot undertake an endeavour to trace them.

**STANDING ORDER CONCERNING REFRESHER COURSES ON OUDH AND ROHILKHUND RAILWAY**

**10. Maulvi Syed Murtuza Sahib Bahadur** Will the Honourable Member for Railways please lay on the table of the House standing order No 2 published in the Supplement to the Oudh and Rohilkhund Railway Weekly Gazette No 19 of 1921 dated the 9th July, 1921, regarding the Refresher Courses, and state the date and nature of modifications made to that standing order subsequently?

**The Honourable Sir Andrew Clow:** This document is not now available with the Railway Board, and the railway issuing it no longer exists as a separate entity. I regret that I cannot undertake to secure it or to trace modifications in the 20 years which have elapsed since it was issued.

## STATEMENTS LAID ON THE TABLE

*Information promised in reply to starred question No 122 asked by Sardar Sant Singh on the 11th November, 1941*

### INSANITARY CONDITION OF KAROL BAGH, DELHI

[NOTE—This question was withdrawn by the questioner with the permission of the Honourable the President and consequently the information promised was not laid on the table—*Ed of D*]

*Information promised in reply to unstarred question No 66 asked by Maulvi Muhammad Abdul Ghani on the 28th February, 1941*

### MUTUAL GUARANTEE FUND OF THE OLD EAST INDIAN RAILWAY COMPANY

(a) Since the reply to part (g) of Mr Md Azhar Ali's question No 41 was given on 5th November, 1940 the question has been re-examined, and it has been decided that persons who were in the service of the East Indian Railway Company on 31st December, 1924 and were then contributors to the East Indian Railway Mutual Guarantee Fund may claim to share in the Fund even if they had left the railway service before the dividends were declared in 1926. The General Manager, East Indian Railway has been instructed to deal with outstanding claims accordingly.

(b) As complete records are not now available it is not possible to give the exact amount of interest that accrued from 1st January, 1925 to the date of closing of the fund. In the balance sheet and profit and loss account on 31st July, 1926 on the basis of which the final dividend was declared a sum of Rs 3,644 was shown as received on account of interest.

*Information promised in reply to starred question No 492 asked by Maulana Zafar Ali Khan on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha on the 25th March, 1941.*

### COMPLAINTS CONCERNING ARRANGEMENTS ON BOARD THE MOGUL LINE PILGRIM SHIPS.

*Substance of complaints of importance regarding arrangements on board pilgrim ships during the 1940/41 pilgrim season*

The complaints were

1 that refrigerated meat supplied on s.s. "Islami" did not suit most pilgrims, who preferred fresh meat, that the meat was bad and the vegetables supplied instead were insufficient.

[11TH FEB 1942]

- 2 that the ghee used on s.s. "Rahmani", "Islami" and "Akbar" was bad
- 3 that the best parts of the slaughtered animals were kept for sale in the canteen and only the bones and the remainder were supplied to pilgrims and these were also badly cooked
- 4 that bread, biscuits and tea were not supplied regularly on the s.s. "Akbar"
- 5 that the food on the s.s. "Akbar" was not properly cooked
- 6 that the catering staff on s.s. "Islami" and "Akbar" were merciful to pilgrims, and that the catering manager on the s.s. "Akbar" was a young man of undesirable character and the cooks employed were dirty
- 7 that the supply of fresh water on the s.s. "Akbar" was inadequate
- 8 that recreation on the upper deck of the s.s. "Akbar" was rendered impossible by the presence of livestock, kitchens and allotment of space there to pilgrims
- 9 that the awning provided on the upper deck of the s.s. "Akbar" did not keep off rain
- 10 that the Amr-ul-Haj on the s.s. "Islami" complained that accommodation was insufficient
- 11 that according to the inspection sub-committee of the Bombay Port Haj Committee which inspected s.s. "Islami", the area of some of the blocks was below the required measurement, space unfit for use was included in the blocks, the figures were written only in English and not in both English and Urdu as required by the rules, and no space was set apart for prayers
- 12 that no separate accommodation was set apart for women on the s.s. "Akbar"
- 13 that the number of electric fans in the decks of the s.s. "Rahmani" was insufficient
- 14 that (as noted by the complaints sub-committee of the Bombay Port Haj Committee) on at least one occasion ship's personnel were permitted to use four washing places intended for pilgrims in contravention of Rule 120 of the Pilgrim Ships Rules
- 15 that no Muslims were employed among the deck crew of the "Islami"
- 16 that on the return voyage of the s.s. "Akbar" four dead bodies were thrown into the sea from a height while the ship was running, that respect to the dead was not shown, and that the bodies were kept in a passage exposed to view
- 17 that preferential treatment was given to the Amr-ul-Haj on the s.s. "Akbar"

*Information promised in reply to parts (a), (b) and (c) of starred question No 1 asked by Sir Abdul Halim Ghuznavi on behalf of Dr. Sir Ziauddin Ahmad on the 27th October, 1941*

#### PURCHASES OF CLOTH BY THE SUPPLY DEPARTMENT FOR THE PURPOSES OF THE DEFENCE DEPARTMENT

*Statement of prices paid by the Supply Department for various qualities of cloth purchased for the Defence Services*

[Reference part (a) of the question]

Name of article	Unit	Prices			Remarks
		September, 1939	September, 1940	September, 1941	
		Rs. as Ps.	Rs. as Ps.	Rs. as Ps.	
1 Drill Khaki Mineral Dyed 28"	Yard	0 6 3	0 8 6	0 10 0	
2 Drill V G Khaki 28"	"	Not purchased	Not purchased	0 8 10	
3 Cellulose Shirting 32/ 33"	"	0 7 6 (Oct., 1939)	0 6 4½	0 7 9	
4 Fugree Cloth Mineral Khaki	"	0 4 5	0 4 5 (November, 1940)	Not purchased	

Name of article	Unit	Prices			Remarks
		September, 1939	September, 1940	September, 1941	
		Rs as ps	Rs as ps	Rs as ps	
5 Pucee Cloth V G Khaki	Yard	Not purchased	Not purchased	0 4 10 (May, 1941)	
6 Drill Bleached 25"	"	0 5 8	0 5 0 (October, 1940)	0 8 3	
7 Double Blue 36"	"	0 6 0	0 6 4½	0 7 0 (July, 1941)	
8 Mosquito Netting 49" Square Mesh	"	Not purchased	0 4 3 (November, 1940)	0 4 2 (July, 1941)	
9 Light Mazri Cloth 2½	"	0 4 2	0 3 11 (October 1940)	0 4 9	
10 Cambric for Antigas Fabric 36½"	"	Not purchased	Not purchased	0 11 0	
11 Cloth Drab Mixture WP 56"	"	4 11 8 3	7 1 4 2	6 6 5 3	Average
12 Serge Service Dress	"	3 14 11 6	3 0 3 7	4 15 11 02	Average
13 Shirting Angola Drab	"	1 5 7 2	1 13 9 9	1 13 0 9	Average
14 Flannel Silver Grey 54"	"	2 15 4 00	3 6 6	3 6 6 3	Average
15 Jute E Cloth 28" wide	100 yards	Free delivery at Ordnance Inspection Depot, Hastings, Calcutta	9 12 0 F O R Mill siding	No purchase was arranged in September, 1941. Last purchase arranged in June 1941 @ 12 10 F O R Mill siding	
16 Heavy C Cloth	"	Free delivery at Ordnance Inspection Depot, Hastings Calcutta	13 8 0 F O R Mill siding	No purchase was arranged in September, 1941. Last purchase was arranged in May, 1941 @ 14 8 0 F O R Mill siding	
17 A Twill Cloth (Plain)	"	Free delivery at Ordnance Inspection Depot, Hastings Calcutta	15 0 0 F O R Mill siding	No purchase was arranged in September, 1941. Last purchase was arranged in May, 1941 @ 15 12 0 F O R Mill siding	
18 Canvas Jute Ordinary 37"	"		42 0 0 F O R Mill siding	56 0 0 F O R Mill siding	
19 Canvas Jute special Tossa 37"	"		55 8 0 F O R Calcutta	75 0 0 F O R Mill siding	
20 Hessian Cloth 54" w l p 40" x 10½ oz	"		No purchase was arranged in September, 1940 but purchase was arranged in January, 1941 @ 28 0 0 F O R Mill siding	34 0 0 F O R Mill siding	
21 Hessian Cloth 72" w l p 40" x 10½ oz	"		No purchase was arranged in September, 1940 but purchase was arranged in August, 1940 @ 31 8 0 F O R Mill siding	32 6 6 F O R Mill siding	
22 Hessian Cloth 40" x 7½ oz	"		11 5 0 F O R Mill siding F A S	16 12 0 F O R Mill siding F A S	
23 First Field Dressings	Per 10,000	Not purchased	7,315 0 0	7,315 0 0	

*Statement showing quantities of cloth purchased by the Supply Department for Defence Services in 1939-40, 1940-41 and the first six months of 1941-42*

[Reference part (b) of the question]

Name of article	Quantity purchased in 1939-40	Quantity purchased in 1940-41	Quantity purchased in first six months of 1941-42 (i.e., April, 1941 to September, 1941)
(1)	(2)	(3)	(4)
	Yds	Yds	Yds
Khaki Drill Mineral dyed	1,13,60,000	5,36,23,000	4,64,75,000
Khaki Drill V G dyed		3,05,000	1,76,63,000
Cellular Shirting Khaki	38,66,235	1,85,54,000	2,93,80,000
Pugri cloth mineral Khaki	14,99,551	1,05,13,896	
Pugri cloth V G Khaki			3,28,00,000
Bleached drill	95,834	7,27,000	12,11,375
Netting Mosquito	9,99,000	98,32,109	3,48,13,000
	(round hole)		(square mesh)
Mazri light		37,50,400	2,27,69,000
Cambric for antagas			31,48,000
Dasootie	3,48,000	31,03,668	74,24,660
Dasootie for tentage only		6,00,00,000	1,00,00,000
Cloth Drab Mixture W P 56"	5,22,467	7,54,500	11,26,500
Serge Service Dress 56"	4,57,347	12,41,800	19,66,010
Shirting Angola Drab	6,14,697	18,11,500	31,94,257
Flannel Silver Grey 54"	8,38,904	4,50,553	15,32,074
Jute 'E' Cloth	14,67,000	2,52,87,230	22,23,000
Heavy 'C' Cloth	6,85,800	83,87,170	8,77,800
'A' Twill Cloth	1,01,172	1,46,300	100
Canvas Jute Ordinary	32,209	4,64,702	1,25,840
Canvas Jute Special Tosses	55,255	32,32,162	1,99,699
Hessian Cloth 54"—w i p 40" x 10½ oz	30,000	8,23,760	3,39,040
Hessian Cloth 72"—w i p 40" x 10½ oz	1,00,000	17,44,230	1,12,670
Hessian Cloth 40" x 7½ oz		1,55,20,000	2,01,33,000
First Field Dressings	Not purchased	Nos	Nos
		3,00,000	15,90,000

*Quantities expected to be purchased during the second half of 1941-42 and during 1942-43.*

[Reference part (c) of the question]

Purchases during the second half of 1941-42 are expected to be slightly larger than those during the first half. Purchases during 1942-43 will depend on demands from various sources in regard to which complete information has not yet been received.



*Information promised in reply to unstarred questions Nos 11 and 14 asked by Pandit Lakshmi Kanta Maitra on the 27th October, 1941*

**MONTHLY AMOUNTS PAID TO THE CATERING CONTRACTORS, MESSRS HAZIR AND COMPANY, BY THE EAST INDIAN RAILWAY SCHOOL OF TRANSPORTATION, CHANDAUSI**

*No 11—The appended statement gives the average amounts paid by the Railway per month in each of the three years the average amount paid monthly by the students is also given*

*Statement showing the average monthly amounts paid by the East Indian Railway and the Students of the Railway School of Transportation, Chandausi during the years 1938, 1939, 1940 and up to September, 1941*

	Average monthly amount paid by the Railway			Average monthly amounts paid by students, e.g., Guards, Apprentices, Probationary Assistant Station Masters and Probationary Commercial Clerks		
	Rs 3 per student per day	Rs 1 12 0 per student per day	Rs 15 per student per day			
	Rs as ps	Rs as ps	Rs as ps			
1938	69 2 0	147 2 0	647 1 0		623	0 0
1939	188 14 0	113 10 0	651 15 0		709	1 0
1940	126 0 0	89 13 0	713 3 0		983	3 0
Up to Sept, 1941	274 5 0	114 0 0	628 0 0		1,786	12 0

**MONTHLY AMOUNTS PAID TO THE CATERING CONTRACTORS, MESSRS HAZIR AND COMPANY, CATERING CONTRACTORS, EAST INDIAN RAILWAY SCHOOL OF TRANSPORTATION, CHANDAUSI**

*No 14—(a) During the period specified in the question four reports, three relating to unsatisfactory milk and one to unsatisfactory ghee, were made*

(b) The contractor was removed. The 1st

(c) Does not arise

*of repeated bad service received and the four reports during 1941 were regarded as affording justification for the termination of the contract.*

*Information promised in reply to parts (c) and (d) of starred question No 31 asked by Mr Akhil Chandra Datta on the 28th October, 1941*

PROVISION OF SCHOLARSHIPS FOR TRAINING INDIAN STUDENTS AS NAVAL ARCHITECTS

(c) There are two qualified Indian Assistants in the employ of Messrs Garden Reach Workshops Ltd, Calcutta and one in the employ of the Hooghly Docking and Engineering Co, Ltd, Calcutta. There was also, in April 1940, a qualified Indian Naval Architect employed with Messrs G G Dandekar Machine Works Ltd Bhinwandi whose services Messrs Alcock, Ashdown and Company Bombay tried without success to secure. Apart from these so far as Government are aware there are no qualified Indian Naval Architects either employed or available for employment in India.

(d) The reply to the first portion is that no qualified Indian Naval Architect has applied to any Post Trust in India for employment. The remaining portions do not arise.

*Information promised in reply to parts (b) to (c) of unstarred question No 18 asked by Khan Bahadur Shauh Fazl-i-Haq Piracha on the 28th October, 1941*

APPLICATIONS FOR EXPLOSIVES LICENCES FROM CERTAIN TOWNS

BOMBAY

*Licence Form K*

Month	No of applications received	No of applications for which fees were paid	No of applications finally disposed of	Remarks
January	11	8		274 licences were granted, 27 applications were rejected and 6 applicants did not turn up to point out the storage place
February	111	21		
March	46	24		
April	9	38		
May		15	8	
June	1	7	1	
July	8	10	4	
August	25	21	125	
September	54	78	81	
October	43	54	56	
Total	307	276	275	

*Licence Form J*

February	3	1		No application was rejected
March		1		
April		1	1	
May				
June				
July				
August	1	1	1	
September				
October	1	1	3	
Total	5	5	5	

BOMBAY—*contd**Licence Form G*

Month	No of applications received	No of licences for which fees were paid	No of applications finally disposed of	Remarks
January				No application was rejected
February				
March	1	1	1	
April	52	52	52	
May	30	30	30	
June	27	27	27	
July	17	17	17	
August	4	4	4	
September	2	2	2	
October	4	4	4	
Total	137	137	137	

## MADRAS

*Licence Form K*

January	4	3		112 licences were granted 3 licences were sanctioned pending receipt of fees inquiries are being made in 8 cases 5 cases were referred to the Inspector of Explosives 2 cases were refused until the applicants acquire storage accommodation and 1 applicant left the station
February	3	3		
March	2	2		
April	4			
May	3	7	6	
June	1	2	10	
July	20	3	1	
August	55	43	38	
September	39	51	67	
October				
Total	131	114	122	

*Licence Form J*

July	1	1	1	No application was rejected
August	1	1	1	
Total	2	2	2	

MADRAS—*contd*

## Licence Form G.

Month	No of appli- cations received	No of licences for which fees were paid	No of appli- cations finally disposed of	Remarks
January				No application was rejected
February	3	3	3	
March			1	
April	1	1	1	
May				
June	1	1	1	
July	4	4	4	
August	4	4	4	
September	21	20	20	
October	1	2	2	
Total	35	35	15	

## CALCUTTA

## Licence Form K

December, 1940	12			183 licences were granted 3 licences are under issue, 17 applications are under consideration and 2 applications rejected
January, 1941	3			
February, 1941	48	47		
March, 1941	31	27		
April, 1941	7	6		
May, 1941	1	12	2	
June, 1941	1	2		
July, 1941	6	7	39	
August, 1941	26	17	46	
September, 1941	37	37	14	
October, 1941	31	35	48	
Total	205	199	185	

## Licence Form J

May	1	1	1	The licence was granted
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## Licence Form G

April	7	7	7	All the licences were granted
May	12	12	12	
June	6	6	6	
July	6	6	6	
August	11	11	11	
September	18	18	18	
October	12	12	12	
Total	72	72	72	

## KARACHI

*Licence Form K*

Month	No of applications received	No of licences for which fees were paid	No of applications finally disposed of	Remarks
July	3	2		51 licences were granted and 6 applications are under consideration
August	37	37	20	
September	16	16	31	
October	1			
Total	57	55	51	

*Licence Form J*

September	6	6	6	Licences were granted
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*Licence Form G*

September	1	1	1	Licence was granted
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## DFLHI

*Licence Form K*

December 1940	1	1		11 licences were granted and 3 applications are under consideration
January 1941		2		
February 1941				
March 1941	2	2		
April 1941				
May 1941				
June 1941	1	1	1	
July	5	1	3	
August	3	1	6	
September	1	1		
October	1		1	
Total	14	11	11	

*Licence Form I*

March	1	1		Reply from the firm is awaited
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*Licence Form G*

May	1	1		Licence was granted
June			1	
July				
Total	1	1	1	

## LAHORE

*Licence Form K*

November 1940	1			16 licences were granted and 2 applications rejected
December 1940	2	2		
January 1941	8	8	1	
February 1941				
March 1941		1		
April 1941	1			
May 1941	1		11	
June 1941	2	1		
July 1941				
August 1941	2	3	4	
September 1941	1	1	2	
Total	18	16	18	

*Licence Form J*

Nil

LAHORE—*contd**Licence Form G*

Month	No of applications received	No of licences for which fees were paid	No of applications finally disposed of	Remarks
September	2	2	2	Licences were granted

## LUCKNOW

*Licence Form K*

July	10	10	6	11 licences were granted & applicants were permitted to carry on business pending completion of their applications and 2 licences will be issued on payment of fees
August	5	3	4	
September	2	2	3	
Total	17	15	13	

*Licence Forms J and G*

Nil

No licence in Forms J and G has been applied for

*Information promised in reply to unstarred question No 20B asked by Pandit Lahshmi Kanta Maitra on the 25th October, 1941*

ACTS AND OMISSIONS SPECIFIED BY THE STATE RAILWAY ADMINISTRATION'S UNDER SECTION 8 (2) OF THE PAYMENT OF WAGES ACT

There have been no additions or alterations to the list of 'acts and omissions' contained in Appendix II of the Annual Report on the working of the Payment of Wages Act on railways for the year 1938-39

*Information promised in reply to unstarred question No 24 asked by Mr N M Joshi on the 29th October, 1941*

APPLICATIONS FOR FAMILY OR PERSONAL ALLOWANCES FROM PERSONS DETAINED INTERNED OR EXTERRED UNDER THE DEFENCE OF INDIA RULES

*Statement showing the number of persons detained or restricted by Provincial Governments under the Defence of India Rules who applied for personal or family allowances and details of the allowances granted*

No of applications	.	626
No of cases in which allowance were granted	.	78
Number of cases in which the allowance granted was	{ less than Rs 10	9
	{ Rs 10 or more but less than Rs 20	47
	{ Rs 20 or more but less than Rs 50	20
	{ Rs 50 or more	2

*Information promised in reply to parts (c), (d) and (e) of starred question No 78 asked by Mr Lalchand Navarai on the 5th November, 1941*

**NON-OBSERVANCE OF THE RULE AND INSTRUCTIONS re FORWARDING OF APPEALS IN SIND AND BALUCHISTAN POSTAL CIRCLE**

(c) The number of appeals received by the Director of Posts and Telegraphs, Sind and Baluchistan Circle, during the two years prior to November 1941 was thirtyseven of which eleven were rejected

(d) After the issue of the Director General's circular letter in September 1940, the instructions contained therein in regard to making a recommendation or expressing an opinion, were not observed in four cases

(e) A recommendation for rejection of the appeal was made by the punishing authority in one only of the cases mentioned in (d) above and this appeal was rejected by the Director of Posts and Telegraphs Sind and Baluchistan Circle

*Information promised in reply to starred questions Nos 88 and 89 asked by Qazi Muhammad Ahmad Kazmi on the 7th November, 1941*

**MUSLIM EMPLOYEES' ALLEGATIONS OF HARASSMENT, MALTREATMENT, ETC., AGAINST THE EXECUTIVE OFFICERS OF THE AGRA CANTONMENT BOARD**

*No 88—(a), (c) and (d) No*

*(b) and (e) Do not arise*

**MUSLIMS EMPLOYEES' ALLEGATIONS OF HARASSMENT, MALTREATMENT, ETC., AGAINST THE EXECUTIVE OFFICERS OF THE AGRA CANTONMENT BOARD**

*No 89—(a) It is a fact that Captain Rachpal Singh was succeeded by a Sikh Executive Officer who, however, is not a junior officer, having had 11 years service*

*(b) (d) and (e) No*

*(c) and (f) Do not arise*

*Information promised in reply to parts (b) and (c) of starred question No 105 asked by Lieut-Colonel Sir Henry Gidney on the 10th November, 1941*

**DEPLETION IN THE STRENGTH OF THE TRAFFIC SECTION OF THE POSTS AND TELEGRAPHS DEPARTMENT**

(b) Since September, 1939, 118 Telegraphists, 5 Telegraph Masters and 2 Deputy Superintendents have been employed as non departmental telegraphists intermittently, while 28 Telegraphists, 1 Telegraph Master and 2 Deputy Superintendents have been so employed continuously. Non departmental telegraphists are paid the following rates of daily pay for every day they are present at the office or are travelling on duty

For Men—Rs 2 a day

For Women—Rs 1 80 a day, raised to Rs 2 since 26th April, 1940

In addition to the officers mentioned above 2 Chief Superintendents (Class I) were reemployed as Instructors and 6 Superintendents (Class II), 5 Telegraph Masters and 2 Telegraphists were re-employed as Assistant Instructors in the Military Training Classes at Poona and Rawalpindi. The designations of these Instructors and Assistant Instructors have recently been changed to Chief Instructors and Instructors. Their rates of pay have also been enhanced from Rs 200 and Rs 100 to Rs 250 and Rs 150 respectively

(c) Thirteen Telegraphists, one Telegraph Master and one Chief Superintendent (Class I) have been granted extensions of service during the period from September 1939 to date

*Information promised in reply to starred questions Nos. 118, 123, 124 and 125 asked by Sardar Sant Singh on the 11th November, 1941*

#### FILTERED WATER RATES CHARGED BY THE DELHI AND NEW DELHI MUNICIPAL COMMITTEES

No 118—(a) The water rate has not been charged but the minimum charges have been revised in order to make the minimum charge uniform for all consumers

(b) A notice was sent to all consumers. No notice is required by the rules

(c) Yes

(d) No

(e) The rate for domestic supply approved by the local administration for Delhi City is eight annas per thousand gallons, which is the same as the rate imposed in New Delhi. The second and third parts of the question do not arise

#### DAIRY FARM FOR KAROL BAGH, DELHI

No 123—The answer is in the negative. It would not be possible to allot land for any kind of farm in Karol Bagh, which is being developed as a built up area

#### DILATORINESS OF THE MUNICIPAL OFFICE, DELHI, IN RECEIVING PAYMENTS OF AND PASSING RECEIPTS FOR MUNICIPAL DUES

No 124—(a) Yes

(b) It is understood that delay occurs in the Delhi Municipal Office in receiving payment of house tax owing to the fact that the tax is payable in a single instalment on the 1st July and the staff is unable to deal with all the work promptly

(c) Government understand that proposals for revision of the present system are under consideration

#### COMPROMISES OF SUITS SUGGESTED BY THE DELHI CIVIL COURTS

No 125—(a) Government are not aware of any such complaints

(b) A statement is attached. There was no case in which the compromise was effected at the instance of the Court

(c) No Government have no status to give instructions to the Courts as to the discharge of their judicial functions

(d) The Honourable Member is referred to the instructions in paragraph 1 and 2 of Chapter I A of the Rules and Orders of the Lahore High Court, Vol I (copy enclosed)

*Statement showing the number of suits (regular and small cause) filed in the court of the Additional Judge of the Court of Small Causes, Delhi, and the number of compromises, for the quarter April to June 1941*

	Suits instituted		Compromised,	
	Regular	Small Cause	Regular	Small Cause
April	<i>Nil</i>	62	1	1
May	7	130	1	5
June	14	115	<i>Nil</i>	15
Total	21	307	2	21



*Paragraphs 1 and 2 of Chapter I 4 of the Rules and Orders of the High Court at Lahore (Volume I)*

'1 All courts, civil and criminal, in the one station should sit at the same hour. The ordinary court hours are 10 A.M. to 4.30 P.M. with an interval for lunch from 1.30 P.M. to 2 P.M., but these may be varied in summer (May to September), with the lunch interval from 10 A.M. to 10.30 A.M. with the previous sanction of the High Court if it would be for the convenience of the courts and the litigating public generally to do so.

Ordinarily, when change of hours is desired, the Deputy Commissioner should apply through the District and Sessions Judge, but if the Deputy Commissioner does not move in the matter and the District and Sessions Judge desires the change, he should apply after consulting the Deputy Commissioner. The date from which it is proposed that any change should take effect should be fixed sufficiently ahead in order to allow not only time for the obtaining of the sanction of the High Court, but also for proper notice to the public in general and to the parties to civil suits in particular. It is not necessary to obtain the sanction of the High Court before the normal court hours are reverted to at the close of the summer.

2 The Presiding Officers of Courts should observe strict punctuality in attendance; serious notice will be taken of habitual unpunctuality. Attendance registers have now been abolished, but in order to maintain a check on the punctual attendance of officers every District and Sessions Judge shall make surprise visits from time to time to the Court of each Subordinate Judge at headquarters at 10 A.M. (or, in the case of summer hours, at whatever time (courts open) and shortly before the time fixed for the final sitting of the Court. These visits should be made not less often than once a month unless the District and Sessions Judge is unavoidably absent from headquarters e.g. for recess and the result should be reported to the High Court each month without fail in the form of a consolidated statement which should be received not later than the tenth of the month following that to which the visits relate."

*Information promised in reply to starred questions Nos 152 and 151 asked by Sardar Sant Singh on the 12th November, 1941*

**SCALES OF PAY IN THE GOVERNMENT OF INDIA DEPARTMENTS AND THEIR ATTACHED AND SUBORDINATE OFFICES SET UP SINCE 1ST APRIL, 1939**

*No 152*—Names of the Government of India Departments and their Attached and Subordinate Offices which have been set up since April 1939, and the Scale of Pay sanctioned for the Ministerial Staff of those Offices

(a) The names of the Departments and offices in question are as follows:—

Departments	Attached and Subordinate Offices
1 Civil Defence Department	
2 Department of Information and Broadcasting	1 Office of the Chief Press Adviser
	2 Counter Propaganda Directorate
3. Department of Indians Overseas	3 Film Advisory Board

Departments	Attached and Subordinate Offices
4 Department of Supply	1 Office of the Director General Munitions Production 2 Office of the Director General, Supply 3 Office of the Electrical Commissioner with the Government of India 4 Offices of the Controllers of Supplies at Calcutta, Bombay, Madras, Cawnpore, Karachi and Lahore 5 Office of the Chief Accounts Officer (American Purchase)

The following new offices have also been set up under the existing Departments —

Departments	Attached and Subordinate Offices
5 Department of Commerce	1 Office of the Chief Controller of Imports, New Delhi 2 Office of the Controller of Enemy Goods and Custodian of Enemy Property, Bombay 3 Office of the Foreign Trade Controller, Calcutta 4 Office of the Foreign Trade Controller, Bombay 5 Office of the Tea Controller, Calcutta
6 External Affairs Department	Foreign Publicity Office, Delhi

(b) and (c) —The orders in regard to scales of pay sanctioned for the ministerial staff in the Departments and Offices mentioned above are similar in all cases. The posts in these new offices have been created on the usual revised rates of pay but persons already drawing old rates of pay, on appointment to these posts, have been allowed to retain those rates, so long as their transfer does not involve promotion. In the case of the Supply Department the old entrants have been allowed to draw pay in the relevant old scales even on promotion to higher divisions. This was done in the public interests in the circumstances prevailing at the time the Department was created.

In the case of Subordinate offices located at places other than Simla and Delhi, rates of pay are generally based on those allowed to the corresponding staff in other Central Government offices located at those places, or, in the case of technical staff, in the light of the rates applicable to such posts in the local offices or in private employ.

(d) The attention of the Honourable Member is invited to the Pay and Cadre Schedules, the Revised Rates of Pay Rules and the Pay Schedules of Central Subordinate services copies of which are available in the Library of the House, in which the relevant scales of pay are shown. In view of the position as explained above it does not seem necessary to furnish copies of the orders regarding the scales of pay.

#### SCRUTINY AT RENEWALS OF ARMS LICENCES BY THE DELHI ADMINISTRATION

No 154 —The Honourable Member seems to be under the misapprehension that there are regular posts of special police officers. This is not so. Special police officers have been appointed under section 17 of the Police Act 1861 for special occasions and as soon as the necessity is over, they cease to be such officers. If any of them hold licences for private arms these are granted in their personal capacity and the renewals are governed by the ordinary rules. I would further add that since the formation of the Civil Guard it has not been necessary to appoint any person as a special police officer.

*Information promised in reply to unstarred question No. 57, asked by Maulvi Abdur Rashid Chaudhury, on the 12th November, 1941*

**CASES OF REMOVAL OF THE EFFICIENCY BAR OF INCOME TAX OFFICERS IN THE CENTRAL PROVINCES AND THE UNITED PROVINCES**

(a) In one case and after the lapse of a little over a year

(b) The answer to the first part of the question is in the affirmative. As regards the second part, there is no question of discriminatory action. Obviously each case has to be decided on its merits and a decision on one case does not necessarily apply to another.

*Information promised in reply to starred question No. 195 asked by Mr Ananga Mohan Das on the 18th November, 1941*

**GAZETTED AND MINISTERIAL OFFICERS IN THE SUPPLY DEPARTMENT**

(a) The total numbers of gazetted and ministerial officers employed in the Department of Supply from different Provinces are —

Gazetted officers	257
Ministerial officers	3 591
Total	3,848
(b) 2,583 Hindus—	
(1) Gazetted officers	174
(2) Ministerial officers	2,409
and 912 Muslims—	
(1) Gazetted officers	56
(2) Ministerial officers	856
(c) Two—	
One gazetted officer	
One ministerial officer	

*Information promised in reply to starred question No. 206 asked by Qazi Muhammad Ahmad Kazmi, on the 18th November, 1941*

**STAFF ON TEMPORARY PANEL FOR KUMBH MELA ON MORADABAD DIVISION 1939  
ABSORBED IN PERMANENT POSTS**

(a) The answer to the first part is in affirmative, as regards the second part the East Indian Railway is unable to trace the letter quoted, but if such a letter had actually issued it has been carelessly worded.

(b) What was stated in the House was correct, viz., that no one had been appointed permanently from the Kumbh Mela panel in question. When the Kumbh Mela panel was abolished the names of some men on the panel were transferred to certain other panels or waiting lists which are maintained in certain categories and that five such men are understood to have secured permanent appointments therefrom.

## DEATHS OF MR L C BUSS AND SIR AKBAR HYDARI

**The Honourable Mr M S Aney** (Leader of the House) Sir, with your permission I very much regret that I have to refer to the death of two friends, one of whom was a Member of this House and the other a Member of the other House and also a Member of the Viceroy's Executive Council and a great national leader Mr L C Buss, who was a Member of this House and the Leader of the European Group, has been sitting in this House since 1934. He represented in this House the Associated Chambers of Commerce and he died, as the Members of the House know, on the 19th November last. The news of his death certainly came as a shock to us all. Only on the last day on which this House met in the last Session he made a speech on the Resolution of Mr Joshi and all of a sudden we heard the next morning that Mr Buss was no more. He has been sitting in this House, as I have already said, as a representative of the Associated Chambers of Commerce since 1934, and, since the retirement of Sir Alec Aikman, he was elected the Leader of the European Group. He discharged the duties of the Leadership with a dignity and sincerity that won for him the respect of all sections of the House. He did not use to intervene in the debate very often, but whenever he did it was always found that he had made a well-reasoned and dignified statement of the position of his Group and indeed a valuable contribution to the debate on the subject. What struck me most in him was his attitude towards Indians in general. He once expressed to me and his whole conduct so far as I could see it bore it out, that he did not like that some of his countrymen always carried with them in their behaviour a false sense of superiority over other people in the country on the ground that they belonged to a ruling class or a conquering race. I am definitely of opinion that men of the type of late Mr Buss only will be able to do real service to their country and my country at the present juncture. It is therefore all the more that we deeply mourn his death and the loss caused by the same.

So far as Sir Akbar Hydari is concerned, I need not make a long speech at all. It is with a heavy heart that I rise to refer to his death. Not being a Member of this House, most of us had not the occasion of seeing him working as a Councillor here, but his record of public life is so long, dignified and comprehensive that it is not necessary for us to know him as a Councillor here to understand what a great man he was. Sir, I came in personal contact with him only after the assumption of his office as a Member of the Expanded Council. But in these two months and a half I found that in him we had an extraordinary personality. He was undoubtedly the oldest of all the Members of the Council but without meaning any disrespect to any one of my colleagues he was also the wisest of them all. His long and varied experience as an administrator was of immense value to the Council in deciding on important questions of policies and principles. He was a man, I discovered, who always rose superior to petty considerations and took a broad and long view of the problems presented to him. His was essentially a mind of a devout but non-communal follower of Islam. His views on questions of religious faith seemed to breathe a spirit of catholicity that reminded me of the teachings of the great Rishis of the Upanishads and the Prophet of Islam also. His punctuality in observing his daily prayers was another thing that struck me as the most remarkable feature of his daily life.

His love of art, his love of literature and his love of learning all played an active and constructive part in the building up of modern India and I must say that it was not an insignificant one. The preservation of the Archaeological monuments in the Ajanta and Ellora caves and the establishment of a great University at Hyderabad will always bear eloquent testimony to the constructive part played by him in helping the cultural advance of India.

Cultured in his manners and catholic in his sympathies he was naturally loved and respected by all those who came in contact with him. But during the last few months of his life when I had the pleasure to know him I found this old and veteran statesman working, with the enthusiasm of a young man, to avert the danger that threatens the cause of civilisation, right the way to victory and restore to this ancient land of ours, the one indivisible motherland of Hindus, Muhammadans, Parsis, Buddhists, and others, her old glory and grandeur and a status of perfect equality with other nations in the post war reconstruction of the world. He was, in fact the embodiment of the Indian unity and the aspirations of united India.

Sir, I request with your permission to move that this House places on record its great and profound sorrow at the death of these two friends and further authorises you to convey to the surviving members of their families that the Members of this House do sympathise in their great bereavement.

**Dr Sir Ziauddin Ahmad** (United Provinces Southern Divisions Muhammadan Rural). Sir, I associate myself and the Muslim League Party with what has just been said by the Leader of the House with regard to this motion of condolence. In Mr Buss the European Group has lost a very popular Leader, the House lost in him a very able Member and I individually lost in him a sincere and cordial friend. He was unassuming but very accurate in his work. He has always been sympathetic with the aspirations and views not only of his Party but also with the aspirations of other Parties.

As regards Sir Akbar Hydari, I happened to know him when I was in the First Year class and he was the Superintendent of Hostel in his capacity as Assistant Accountant General in Allahabad. Since then I had been associated with him on account of his being a member of the Governing Body of the M. A. O. College and of the Aligarh University. He was a great educationist, and as a Member of the Central Advisory Board of Education we have all seen that he had complete grasp over facts and he could handle difficult problems in a very simple and admirable manner. We lost in him a great statesman. The loss of both of these Members is irreparable and we sympathise with their families and pray that God Almighty may bless their souls.

**Sardar Sant Singh** (West Punjab Sikh). Sir, on behalf of the Congress Nationalist Party and on my behalf, I associate myself with all that has fallen from the Leader of the House as regards the qualities of head and heart of Mr L. C. Buss. I had the privilege of working with him in this House for the last eight years. I found in him a gentleman of rare ability, his observations on various questions that were debated in this House were listened to with great respect and were given full consideration. One merit that we found in him was that he had great sympathy

[Sardar Sant Singh]

with the aspirations of Indians in their struggle for freedom. The news of his sudden death at the end of the last Session, was heard with very great shock. We are sad because he is not now with us and that we were not destined to see him again in the opening of this Session. My Party fully associates with the expression of the great loss that the country has suffered by his death.

My Party also feels very greatly in the death of another great man of India, Sir Akbar Hydari. The Honourable the Leader of the House has described the great qualities of that great statesman. Although we had not the privilege of personal contact with him, yet the little that we knew of him during the last Session that he has been a Member of the Upper House was sufficient to convince us that a great constructive statesman has left us. When such great problems are coming before the country which require calm and long range policy, it is a pity that we have not a leader of the eminence of Sir Akbar Hydari with us and our Party fully associate with all that has fallen from the Leader of the House in the great loss that the country has suffered.

**Lieut.-Col Sir Henry Gidney** (Nominated Non Official). On behalf of my Party I desire to associate myself with all that has been said regarding the death of two distinguished Members of the Legislature. So far as my dear and personal friend Mr. Buss, is concerned, I have known him during all the time that he served in this Legislature. I have known him not only as an adviser in matters that have troubled me, but as a friend. I have been in his Party and under his leadership for nearly seven or eight years and I never failed to find in him what you would call a thorough English gentleman, a wise councillor and a very true and sincere friend. I quite agree with the Leader of the House when he said that his outstanding quality was his sympathy with and his desire to help India at the present juncture. His sincerity for India's aspirations was often expressed on the floor of the House and when he and his Party gave their support to many matters of a controversial nature, and in particular do I remember one instance when he boldly stood out and supported us against his Party. It wanted a man of outstanding courage to do that. Mr. Buss had that quality in a very large measure. The House mourns with his bereaved family the loss of such a sincere friend and such an able statesman. My Party with whom I whole heartedly associate myself mourn the loss of a very true and very dear friend not only to the House but to India.

With the words that fell from the Leader of the House regarding that very distinguished statesman the late Sir Akbar Hydari I associate myself and my Party whole heartedly. I had the honour of knowing Sir Akbar through all the Round Table Conferences and, particularly at the Joint Parliamentary Committee a singular experience, shared only by one or two of us in this House to judge his many qualities of head and heart. He was the brainpiece of Princely India when Indian States were being considered at these Conferences. As a representative of the greatest ruling Chief in India, he showed that wonderful judgment and foresight which characterised his sterling worth to India. I can say quite frankly that he was looked upon by the leading statesmen in England as one of the leading statesmen of India and I feel the country can ill afford at the present moment, to lose such an able man as Sir Akbar Hydari. Sir my

Party desires to associate itself with all that the Leader of the House said and would ask you, Mr President, to convey our deepest sympathy and condolence to the bereaved members of his family

**Sir Henry Richardson** (Nominated Non-Official) Sir, I have listened to the speeches made by the Honourable the Leader of the House and the Honourable Leaders of Parties with much thankfulness and sincere appreciation of the warm tributes which have been paid to our late Leader, Mr L C Buss. To us in this Group, his death has necessarily been a severe personal loss—a loss which I think all Members of the House obviously share. His high sense of public duty and long service in the Group earned for him not only admiration but profound respect. Although I am new to this House, I had the privilege whilst in another place to serve under Mr Buss in the European Group and like all who knew him I learned to value very highly his unassuming character, his modesty and his sound judgment. We in this Group, wish to be closely associated with the message of condolence which is being sent to the bereaved family.

As regards Sir Akbar Hydari it was with profound regret that we heard of his death a few weeks ago. Sir Akbar had for many years been one of India's leading public figures and it is given to few men to serve their country as ably and in so many different capacities as he did. He will for many years to come be remembered not only as an able administrator but also as one who firmly believed in the great future of this country, a future not only in world politics but also in the world of art and culture. On the personal side his memory will long be held dear by the very large circle of those who were privileged to know him. Sir, in this Group, we associate ourselves fully with all that has been said about Sir Akbar by other Party Leaders and we would request you to convey the sentiments of this House to Sir Akbar's family.

**Mr President** (The Honourable Sir Abdul Rahim) I associate myself with the tributes that have been paid to the memory of Mr L C Buss and Sir Akbar Hydari. Mr Buss's sudden death came as an absolute shock to all of us who happened to be in Delhi at the time. As Leader of the European Group, he always stood for and supported the case of his Party without flinching and without any fear of criticism, but the way he pleaded for the policy of his Party was such that nobody could possibly take offence at anything he said. He was universally respected by every section of this House and I have not the least doubt that his so sudden and premature death is a great loss to the Party whom he led for two or three years, and to the Assembly.

Sir Akbar Hydari was not a Member of this House but as a Member of the Executive Council of the Government of India he had the right of audience in the Assembly and for that reason I have permitted the Leader of the House to refer to his death as being within the spirit of the convention that was arrived at in this Assembly.

I had the privilege of knowing Sir Akbar Hydari for many years and I have always known him as a very devout Muslim and a most broad-minded Indian patriot and statesman. The great services which he rendered to Hyderabad the premier State of India, have been fully appreciated by His Exalted Highness the Nizam, and I believe there can be no two opinions as to the great value of the work that he did there. Though his active services were confined to Hyderabad he was well known throughout the country for

[Mr President]

the breadth of his views and his sound statesmanship, and his great contributions in shaping the constitution of this country both at the Round Table Conference and before the Joint Parliamentary Committee were fully appreciated by all who had the privilege of working with him in the Conference and the Committee. I shall, as requested by the Honourable the Leader of the House and the other Honourable Leaders of Parties, convey the sentiments of this House regarding Mr Buss and Sir Akbar Hydari to their bereaved families.

### MOTIONS FOR ADJOURNMENT

**The Honourable Mr M S Aney** (Leader of the House) Sir, as regards the adjournment motions I would request you not to take them up today but to postpone them till tomorrow. Adjournment motions if admitted by this House are to be sanctioned by His Excellency the Viceroy and it is too late now to get his sanction. So they may be taken up tomorrow.

**Mr President** (The Honourable Sir Abdur Rahim) If that meets with the convenience of the House generally, the Chair shall be prepared to waive the question of urgency so far as this particular day is concerned.

**Mr Lalchand Navarai** (Sind Non-Muhammadian Rural) Sir, tomorrow being a non official day, will these motions be taken up on an official day later?

**Mr President** (The Honourable Sir Abdur Rahim) The Chair cannot go into that. Is it the desire of the House that they should be postponed till tomorrow?

(HOURS OF "YES")

The adjournment motions will be taken up tomorrow.

### H E THE GOVERNOR GENERAL'S ASSENT TO BILLS

**Secretary of the Assembly** Sir, information has been received that the following Bills, which were passed by both Chambers of the Indian Legislature during the Autumn Session, 1941, have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act, as continued by section 317 of the Government of India Act, 1935 —

- 1 The Code of Criminal Procedure (Amendment) Act, 1941
- 2 The Code of Criminal Procedure (Second Amendment) Act, 1941.
- 3 The Factories (Amendment) Act, 1941
- 4 The Aligarh Muslim University (Amendment) Act, 1941
- 5 The Madras Port Trust (Amendment) Act, 1941
- 6 The Mines Maternity Benefit Act, 1941
- 7 The Professions Tax Limitation Act, 1941
- 8 The Federal Court Act, 1941
- 9 The Indian Merchant Shipping (Amendment) Act, 1941
- 10 The Indian Income-tax (Amendment) Act, 1941



- 11 The Excess Profits Tax (Second Amendment) Act, 1941
- 12 The Railways (Local Authorities' Taxation) Act, 1941
- 13 The Indian Companies (Amendment) Act, 1941
- 14 The Trade Marks (Amendment) Act, 1941

— — —

### BILL PASSED BY THE COUNCIL OF STATE

**Secretary of the Assembly** Sir, in accordance with the provisions of Rule 25 of the Indian Legislative Rules, I lay on the table a Bill further to amend the Indian Limitation Act, 1908 which was passed by the Council of State on the 20th November, 1941

### HOME DEPARTMENT NOTIFICATIONS ISSUED UNDER THE REGISTRATION OF FOREIGNERS ACT 1939

**The Honourable Sir Reginald Maxwell** (Home Member) Sir, I lay on the table a copy each of—

- (i) the Home Department Declaration of Exemption, No 1/20/41-Political (E), dated the 11th November 1941
  - (ii) the Home Department Notification, No 1/3/41 Political (E), dated the 27th October 1941
  - (iii) the Home Department Declaration of Exemption, No 1/26/41-Political (E), dated the 6th December, 1941,
  - (iv) the Home Department Order of Exemption, No 1/19/41-Political (E), dated the 3rd January, 1942,
  - (v) the Home Department Declaration of Exemption, No 1/20/41-Political (E), dated the 15th January, 1942 and,
  - (vi) the Home Department Order of Exemption, No 1/4/42 Political (E), dated the 29th January, 1942,
- issued under the Registration of Foreigners Act, 1939

No 1/20/41 Political (E)

### HOME DEPARTMENT

*New Delhi, the 11th November 1941*

### DECLARATION OF EXEMPTION

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act 1939 (XVI of 1939) the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners shall not apply to, or in relation to, Miss Mildred Monroe, an official attached to the Consulate for the United States of America at Bombay and Mr Chief Yomon William Francis Hauck, an official attached to the United States Naval Observer at Bombay, so long as they hold a pass in the Consulate and in the office of the United States Naval Observer at Bombay respectively.

V SHANKAR,

*Deputy Secy to the Govt of India*

## HOME DEPARTMENT

## NOTIFICATION

POLITICAL (E)

*New Delhi, the 27th October 1941*

No 1/1/41—In exercise of the power conferred by section 6 of the Registration of Foreigners Act 1939 (XVI of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Declarations published with the Notification of the Government of India in the Home Department, No 21/32/39 Political, dated the 21st June 1939 namely —

In clause (c) of Declaration 3 of the said Declarations after the word "State" the words "except China" shall be inserted

H J FRAMPTON,

*Deputy Secy to the Govt of India*

No 1/26/41 Political (E)

## HOME DEPARTMENT

*New Delhi, the 6th December 1941*

## DECLARATION OF EXEMPTION

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Mr Emanuel MAZAC, an official attached to the Czechoslovak Consulate in Bombay so long as he holds a post in that Consulate

H J FRAMPTON,

*Deputy Secy to the Govt of India*

No 1/19/41 Political (E)

## HOME DEPARTMENT

*New Delhi, the 3rd January 1942*

## ORDER

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of sub-rule (1) of rule 7 and of sub-rule (2) of rule 15 of the Registration of Foreigners Rules, 1939 shall not apply to, or in relation to, Mr J L McCormack, a special representative of the United States Maritime Commission, on any occasion on which he departs from British India by sea with the object of proceeding to ports outside India in the course of his duties

H J FRAMPTON

*Deputy Secy to the Govt of India*

No 1/20/41 Political (E)

HOME DEPARTMENT

New Delhi, the 15th January 1942

DECLARATION OF EXEMPTION

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to passengers and visitors who are not foreigners shall not apply to or in relation to Lt Phillips Talbot, United States Naval Observer at Bombay, so long as he continues in that post

V SHANKAR,

Deputy Secy to the Govt of India

No 1/4/42 Political (E)

HOME DEPARTMENT

New Delhi the 29th January 1942

DECLARATION OF EXEMPTION

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939 except Rule 8 shall not apply to, or in relation to, Mr W D Pawley, President of the Intercontinent Corporation

V SHANKAR

Deputy Secy to the Govt of India

AMENDMENTS TO CERTAIN MOTOR VEHICLES RULES

**The Honourable Sir Andrew Olow** (Member for Railways and Communications) Sir, I lay on the table a copy each of—

- (i) Notification No 1763/W F 111/40 (2), dated the 6th October, 1941, issued by the Chief Commissioner Ajmer Merwara, amending the Ajmer Merwara Motor Vehicles Rules, 1940
- (ii) Notification No A 3238/41 dated the 6th December, 1941, issued by the Chief Commissioner of Coorg amending the Coorg Motor Vehicles Rules, 1940 and
- (iii) Notification No F 12 (45)/41-General, dated the 16th December, 1941 issued by the Chief Commissioner, Delhi, amending the Delhi Motor Vehicles Rules, 1940

I also beg to lay on the table a copy of Notification No F 12 (3) III/41 General, dated the 12th January, 1942, issued by the Chief Commissioner Delhi, relating to Rules framed under the Motor Vehicles Act 1939

THE CHIEF COMMISSIONER, AJMER MERWARA  
NOTIFICATION

16th, the 6th October 1941

No 1763/W F 111/40 (2)—The Chief Commissioner is pleased to make the following amendments in the Ajmer Merwara Motor Vehicles Rules 1940 published

with his Notification No 1141/34 W/38 III, dated the 12th June 1940, the amendments having been previously published in this Administration's Notification No 2216/111 W/40, dated the 13th December 1940

(i) At the end of Chapter II—licensing of Drivers of motor vehicles—add the following rules—

220 *Refund of license fees*—Any person serving with His Majesty's forces outside India, who at the time he left this country, held a current license granted under the provisions of the Indian Motor Vehicles Act of 1914 and who, owing to his absence from India, failed to apply for a new license within twelve months from the commencement of the Act, shall be given a refund of Rs 2 from the full fees leviable under sub-section (8) of section 7 of the Motor Vehicles Act, 1939, provided he applies for the license within a reasonable time after his return to India

221 *Refund of fees for renewal of license*—For the purpose of section 11(3) of the Motor Vehicles Act, 1939, absence from India on service with His Majesty's forces shall be deemed to be "good cause of delay in applying for renewal of a license provided that application is made within a reasonable period after return to India. In such cases as in rule 220 the additional fee of Rs 2 shall be refunded

(ii) For the last sentence of rule 24 (C) of Chapter II It shall not be refunded in any circumstances substitute the sentence "It shall not be refunded save to a person who held a current license granted under the provisions of the Indian Motor Vehicles Act 1914 and was prevented from renewing the license within the time prescribed under section 6(b) of the Motor Vehicles Act, 1939, by reason of his having served in the Army, Navy or Air Force outside India"

By order  
M. WORTH,  
Secretary

#### THE CHIEF COMMISSIONER OF COORG NOTIFICATION

No A 32338/41 dated Mercat, the 6th December 1941

In exercise of the powers conferred by sections 21 41, 65 68 70, 71(2), 73, 74, 75, 77 80, 86(2) 88 90 and 91 of the Motor Vehicles Act 1939 (Act IV of 1939), and the notification of the Government of India, Department of Communications, No R 60, dated the 28th June 1939 the Chief Commissioner is pleased to make the following amendments to the Coorg Motor Vehicles Rules 1940 issued with his notification No R F 43/121 39 dated the 26th March 1940 —

#### Amendments

In the said rules—

#### CHAPTER II

1 In rules 3 and 6 (a) for the words 'District Superintendent of Police' substitute the words 'Secretary, Provincial Transport Authority Coorg and 'Licensing Authority' respectively

2 In rules 4 (a) and (b) for the words 'Provincial Transport Authority' substitute the words "Licensing Authority"

3 In rules 4 (c), (e) and (f) for the word 'appropriate' substitute the word "Licensing"

4 In rule 4 (d) after the words 'may appoint' add the following —

and may in the case of the holder of a license issued outside the Province require the applicant to pass the test as set forth in the third schedule to the Act notwithstanding that the applicant shall previously have passed the test'

5 In rule 5 delete the words "or the Provincial Transport Authority as the case may be"

6 In rule 6 (c), add the following proviso —

"Provided that no fee shall be charged for the test if the applicant previously held a licence under the Indian Motor Vehicles Act, 1914, to drive a vehicle of the class to which the application refers and was prevented by reason of absence out

of India on service connected with the present was from obtaining a licence in accordance with the provisions of section 7 (6) (b) of the Act or if the applicant held a licence under the Act to drive a vehicle of the class to which the application refers and was prevented for the same reason from obtaining a renewal of the licence.

7 In rule 7 for the words "Chief Commissioner" substitute the words "Provincial Transport Authority".

8 In rule 7 (c) for the words "appropriate" and "Chief Commissioner" substitute the words "Licensing" and "Provincial Transport Authority" respectively.

9 To rule 18, add the following proviso —

"Provided that no fee shall be charged for the test if the applicant previously held a licence under the Indian Motor Vehicles Act, 1914, to drive a vehicle of the class to which the application refers and was prevented by reason of absence out of India on service connected with the present war from obtaining a licence in accordance with the provisions of section 7 (6) (b) of the Act or if the applicant held a licence under the Act to drive a vehicle of the class to which the application refers and was prevented for the same reason from obtaining a renewal of the licence."

## CHAPTER III

10 In rule 23, for the words "District Superintendent of Police" substitute the words, "Secretary, Provincial Transport Authority"

11 In rule 24 (b), for the words "Chief Commissioner" and "one month" substitute the words "Secretary, Provincial Transport Authority" and "seven days" respectively.

12 In rule 25 (c), delete the words "or the Inspector of Motor Vehicles as the case may be

13 In rule 29 (a), substitute the following for clause (iv) —

"In the case of Passenger Transport Vehicles, the number of passengers (excluding driver and conductor), specified in the permit of the vehicle denoted by Pass

14 In rule 30 (b), delete the words "Registering Authority"

15 To rule 30 (c), add the following proviso —

Provided that the vehicle need not be so produced if the owner proposes not to renew the certificate or if the vehicle is transferred to and kept in the area of another Registering Authority or Inspector of Motor Vehicles. In either of these cases the owner shall before the date fixed for inspection inform the authority who made the endorsement in writing that he does not propose to produce the vehicle giving the reason.

16 Substitute the following for rule 30 (g) —

(g) The fee for the issue and renewal of certificate of fitness shall be ten rupees in the case of a motor car and twenty rupees in the case of a transport vehicle other than a motor cab. Provided that a concessional fee of Rs. 15 will be levied on buses and lorries which already hold a current fitness certificate either from Madras or Mysore. The certificate shall be valid for six months."

17 In rule 33 (a) (v), after the words "certificate of registration" add "or trade certificate".

18 After rule 33 (a) (v) add the following —

(vi) In respect of a trailer rupees five

19 After rule 33 (c), add the following —

(d) *Registration fee—exemption*—The Provincial Government may by notification in the official gazette make an exemption in regard to the registration fees payable in respect of any motor vehicle or class of motor vehicles."

## CHAPTER IV

<sup>20</sup> In rule 43 (f) after the words 'Provincial Transport Authority' add the following —

"For persistent failure to attend meetings of the Provincial Transport Authority or for any other reason which they deem adequate"

21 After clause (1) of rule 44 insert the following —

"(j) Correspondence to be addressed to Provincial Transport Authority—All correspondence intended for the consideration of the Provincial Transport Authority shall be addressed to the Secretary of the Provincial Transport Authority. No action shall be taken on any correspondence which is not so addressed."

'(k) *Executive officer to give effect to directions*—All decision of the Provincial Transport Authority shall be carried into effect by the Secretary"

"(l) *Appointment of persons to authenticate documents*—The Secretary member may with the approval of the Provincial Transport Authority appoint persons to authenticate documents and perform other duties on his behalf

22 In rule 49 (a), after the words 'shall be add in duplicate

23 After sub rule (b) of rule 49 add the following as sub rule (c) —

(c) *Refusal to accept applications for permits*—*Power of Provincial Transport Authority*—When the Provincial Transport Authority has in exercise of its powers under the Act imposed a limit upon the number of permits of any class which may be granted for a specified route or a specified area and has already granted such number of permits of that class the authority may decline to receive further applications for such permits in respect of any such route or area

24 After sub rule (b) of rule 53 add the following as sub rule (c) —

(c) *Permit to be deemed to be renewed if orders are not passed on application*—If an application for the renewal of a permit has been made in accordance with these rules and the prescribed fee paid by the prescribed date the permit shall continue to be effective until orders are passed on the application and if orders on the application are not passed within three months from the date of receipt of the application the permit shall be deemed to have been renewed for the period mentioned in the application or for one year whichever is less"

24 (a) In rule 52 for the letter 'f' after the words 'sub section' substitute a figure '(1)'

25 In rule 63 (d) after the words "Transport Authority in the second line add "or any Police officer of or above the rank of Sub Inspector of Police"

26 After sub rule (c) of rule 64, add the following as sub rule (d) —

'(d) *Variation of permit by inclusion of additional vehicle*—*Fee*—The following fee shall be paid for the variation of a permit by the inclusion of an additional vehicle or vehicles —

	Rs
(1) If the unexpired period of the permit exceeds 9 months	16
(2) If the unexpired period exceeds 6 months	12
(3) If the unexpired period exceeds 3 months	8
(4) If the unexpired period is less than 3 months	4

for each additional vehicle'

27 In rule 65 (b) after the words 'any Police officer in uniform' add the words 'Magistrate or Inspector of Motor Vehicles

28 (i) Renumber rule 73 as rule '73 (a)

(ii) In clause (viii) of rule 73 (a) as so renumbered for the words 'Certificate of registration of the vehicle and any additional number permitted under the terms of the permit to be carried standing in the vehicle', substitute the following —  
permit of the vehicle'

29 After clause (xvi) of rule 73 (a) insert the following clause —

'(xv) shall not, while on duty, be under the influence of drink or drug to an extent, rendering him incapable of discharging his duties properly

30 After rule 73 (a) insert the following —

'(b) *Responsibility of driver of vehicle on which there is no conductor*—The driver of a public service vehicle on which there is no conductor shall be responsible for the observance of the provisions of clauses (i) to (xvi) of rule 73 (a)'

(c) *Stage carriage to carry conductor*—No stage carriage shall be used in a public place unless it carries, in addition to the driver, a conductor

"(d) *Issue of ticket*—*Production of Counterfoils*—The conductor shall—

(i) issue to every passenger travelling or intending to travel in a stage carriage including every child over three years of age, and to every consignor of goods other than personal luggage, a printed ticket of the requisite denomination on receipt of the fare charged for carrying in the vehicle the passenger and his personal luggage, or the goods other than personal luggage consigned as the case may be,

(ii) carry at all times when the stage carriage is in use the counterfoils of the tickets so issued, and

(iii) produce the counterfoils on demand by any Police officer not below the rank of Sub Inspector or by any authority empowered to inspect the vehicle

Provided that notwithstanding the provisions of clauses (i), (ii) and (iii), the transport authority may in its discretion, and subject to such conditions as it may deem fit, authorise the issue of tickets by a person who is not the conductor and who is not travelling in the vehicle"

"(e) *Refused to issue tickets*—No conductor or other person authorised to accept fares, not being a person who travels in the vehicle, when a stage carriage is waiting or plying for hire shall—

(i) without reasonable excuse refuse to accept a fare from any person tendering it, provided that the conductor or such other person shall stop the issue of tickets when the maximum number of passengers or the maximum load of luggage or goods as the case may be, which the vehicle is permitted to carry has been reached, or

(ii) demand more than the proper fare"

31 After clause (vi) of rule 75, add the following as clause (xii) and renumber the existing clause (xii) as clause (xiii) —

"(xii) Distributes printed or similar matter of any description or distributes any article for the purpose of advertising, or"

32 Renumber rule "77 (a)" as "77 (a) (i)"

33 After rule 77 (a) (i) insert the following —

"(ii) *Public service vehicle—Tout—Prohibited*—No tout shall be employed or be permitted by the owner, driver or conductor of a public service vehicle to canvass passengers and no person shall act as a tout to canvass passengers for any public service vehicle

34 Add the following as a sub paragraph of clause (i) of rule 77 —

"The fee for a duplicate licence shall be one rupee

34 A Substitute the following for clause (i) of rule 77 —

"(i) (i) *Endorsement by Court*—Any Court by which a conductor is convicted of any offence in connection with his duties as a conductor shall cause particulars of the offence to be endorsed in the licence"

(ii) *Cancellation and Suspension by Court*—Any Court by which a conductor is convicted of any offence in connection with his duties as a conductor may cancel or suspend the conductor's licence, and shall cause particulars of any such order of cancellation or suspension to be endorsed in the licence. The Court shall communicate in Form CCE particulars of any endorsement made under this rule or the preceding rule to the authority by which the licence was last renewed or to the authority which granted the licence"

35 After clause (o) of rule 77, add the following —

"(p) *Appeal against orders regarding conductor's certificate*—The provisions of the rules in Chapter II relating to appeals against orders in respect of driving licences shall apply to appeals against orders in respect of conductor's licences"

36 In rule 78 (a), after the words "the driver of a public service vehicle shall", insert the following words—"while on duty" and after the words "inscribed with the name of the", add the words "District of the"

37 In rule 79 (a) after the words "the conductor of a stage carriage shall", add the following—"while on duty" and after the words "inscribed with the name of the", add the words "District of the"

38 After rule 82 (e), add the following —

"(f) *Passenger not to sit on right of driver*—No person may sit nor may any goods be placed on the right of the driver of a transport vehicle"

39 In rule 83 (a) and (b), delete the words "District Superintendent of Police"

40 After rule 83 (c), insert the following —

"(d) *Schedule of timings*—The Provincial Transport Authority may from time to time—

(i) by a general order prescribe a schedule of timings for each stage carriages running on specified routes or

(n) by a special order prescribe a schedule of timings for each stage carriage"

(e) *Vehicles to run in accordance with schedule*—When a schedule of timings has been prescribed under rule 83 (d), every stage carriage on such route shall run in accordance with it except—

(i) when prevented by accident or other unavoidable cause, or

(ii) when otherwise authorised in writing by the authority granting the permit

(f) *Responsibility of permit holder*—The holder of the permit shall be responsible and punishable for a breach of rule 83 (e) in addition to any other person who may be responsible and punishable for such breach"

41 Substitute the following to rule 84—

#### RECORDS TO BE MAINTAINED

84 (i) (i) *Trip Sheet*—The driver or conductor of every public service vehicle shall maintain trip sheets serially numbered in a bound book in Form FSS or TSC in English or in Kannada

(ii) *Custody of Trip Sheet*—Trip sheets shall—

(i) be carried by the conductor or in case there is no conductor, by the driver whenever the vehicle is in use

(b) be duly filled up from time to time as occasion arises by the conductor or in case there is no conductor by the driver, and

(c) be opened to inspection by any Police officer not below the rank of Sub Inspector or by any Magistrate or by an Inspector of Motor Vehicles

(iii) *Trip Register*—Every holder of a permit shall in respect of every public service vehicle specified in the permit maintain in English or in Kannada a trip register in Form FR in a bound book of which the pages are serially numbered. The trip register shall be posted daily from the trip sheets maintained under rule 84 (i) (i) and be at all times open to inspection by any Police officer or by any Magistrate or by an Inspector of Motor Vehicles

(b) *Goods vehicle record—maintenance of—*(i) Every driver of a goods vehicle shall keep and every holder of a goods vehicle permit shall cause to be kept in English or in Kannada a record in Form GVR which shall give in respect of each day on which the driver was employed in driving, the information prescribed in the form

(ii) Each item of information required by Form GVR shall be entered in the record as soon as the particulars to be recorded is ascertained

(iii) The record in Form GVR shall be carried by the driver until he has completed his work for the period to which it relates and shall while in his custody be open to inspection, by any person authorised to inspect a goods vehicle. The driver shall deliver the record to the holder of the permit within seven days of the expiry of the period to which the record relates

(iv) The permit holder shall preserve the record in Form GVR for six months after the expiry of the period to which it relates and shall produce it for inspection at any time within that period on demand by the Provincial Transport Authority or by a Police officer not below the rank of Sub Inspector

(c) *Check in stations on route—register*—The Transport Authority may by general order direct that every stage carriage shall stop at such stations on its route as the Transport Authority may prescribe, and thereupon the conductor of every stage carriage shall correctly enter in the register in Form TGR kept at each such station the particulars specified therein

(d) *Destination board*—The destination to which the stage carriage is proceeding or is about to proceed shall be clearly stated in English and in Kannada on boards conspicuously placed on the front and rear of the vehicle

(e) *Painting and illumination of destination board*—The board shall be painted in white letters not less than two inches high on a black ground. It shall be clearly visible and unobstructed by car equipment or otherwise and illuminated by a white light from half an hour after sunset to half an hour before sunrise

(f) *Conductor's responsibility*—The conductor shall be responsible for exhibiting the proper boards and for their illumination"

42 After rule 87 (b), insert the following—

(c) *Withdrawal of bus from the service*—If the holder of a stage carriage permit proposes to withdraw the service which the vehicle covered by the permit is providing before the expiry of the permit, he shall, unless prevented by unavoidable circumstances, give at least one month's notice of his intention to the transport authority



which issued the permit, and shall surrender the permit on the date from which the service is withdrawn. Upon receipt of the notice, the Transport Authority shall post a copy of the notice on a suitable notice board situated on the premises of the authority."

43 In rule 89 (d) for the words "public service", substitute the word "Transport".

44 After rule 89 (d), add the following rules —

"(c) *Inspection by members of Provincial Transport Authority*—Any member of Provincial Transport Authority may exercise the powers conferred in rule 89 (c) on a Police officer in uniform, and the powers conferred in rule 89 (a), on a Police officer in uniform not below the rank of Sub Inspector."

"(f) *Conviction of permit holders—intimation by Courts*—A Court convicting the holder of a permit, of an offence punishable under the Act or these rules shall communicate particulars of such conviction in Form PI to the authority which granted it, as the case may be, last renewed the permit and to the authority if any, which has endorsed or extended the validity of the permit."

"(g) *Use of stage carriage on more than one route*—If a person holds stage carriage permits for two or more routes the Provincial Transport Authority may in its discretion and subject to such conditions as it thinks fit permit him to use a vehicle in respect of which he holds a valid stage carriage permit on any of such routes, provided that the vehicle shall be used only for the provision of such transport facilities as the owner is authorised to provide in accordance with the terms of the permit which he holds."

## CHAPTER V

### CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES

45 After rule 102 (c), add the following rules —

"(d) *Tyres of heavy transport vehicles, tractors and locomotives*—If the tyres of the wheels of a tractor, locomotive or heavy transport vehicle, are neither pneumatic nor made of a soft or elastic material, they shall satisfy the following conditions —

The tyres of each wheel shall be smooth and shall, where the tyres touch the surface of the road or other base whereon the vehicle moves or rests, be flat:

Provided that the edges of the tyres may be bevelled or rounded to the extent of not more than half an inch in the case of each edge,

Provided also that if the tyres are constructed of separate plates, the plates may be separated by parallel spaces which shall be disposed throughout the outer surface of the tyre so that nowhere shall the aggregate extent of the space or spaces in the course of a straight line drawn horizontally across the circumference of the wheel exceed one eighth part of the width of the tyre,

Provided further that the driving wheels shall be cylindrical and smooth-sided or shod with diagonal cross-bars of not less than three inches in width nor more than three quarters of an inch in thickness extending over the full breadth of the tyre and the space intervening between the cross-bars shall not exceed three inches."

"(e) *Diameter of wheel*—If any wheel of a tractor, locomotive or heavy transport vehicle is fitted with a tyre which is neither pneumatic nor made of a soft or elastic material the diameter of the wheel shall be not less than two feet.

*Explanation*—For the purpose of these rules "diameter" in relation to a wheel, means, the diameter measured between the two opposite points in the outer surface of the tyre which are farthest apart, "width" in relation to the tyre of a wheel, means, the distance measured horizontally and in a straight line across the circumference of the wheel and between the two points in the outer surface of the tyre which are farthest apart."

46 After rule 108 (c), add the following —

"(d) *Vehicle with trailer*—If a trailer is or trailers are attached to a motor vehicle the total length of the train, including such motor vehicle shall not exceed forty feet."

47 After rule 112 (k) add the following —

"(l) *Direction indicators—necessary in certain cases*—If in any motor vehicle the seat for the driver is so situated that the driver cannot effectively give the signals prescribed in the eleventh schedule to the Act, the vehicle shall be fitted with a mechanical or electrical direction indicator in the manner specified in these rules.

48 After rule 113 (b), add the following proviso —

"Provided that this rule shall not apply to any motor chassis upon which a body is not yet built."

40 For rule 119 (a) (iii), substitute the following —

"(iii) When the seats are placed across the vehicle and are facing each other there shall be a clear space excluding padding and upholstery between the surface of any portion of the seat against which the back of the passenger is to rest and the surface of the corresponding portion of the seat facing it of a minimum width of 3 feet 11 inches and a clear space excluding padding and upholstery between the fronts of facing seats of a minimum width of one foot seven inches"

"(iv) Where the seats are placed lengthwise and facing each other, the surface of any portion of the seat against which the back of the passenger is to rest shall be at least fifty four inches from the surface of the corresponding portion of the seat facing it"

"(v) Except where the seats in a public service vehicle are enclosed by the body of the vehicle, no seats shall be so constructed so as to project beyond the floor space of the vehicle"

50 GANGWAYS —In rule 120 (a) (ii) for the words "twelve inches" substitute the words "fourteen inches"

51 After rule 124, add the following proviso —

"Provided that this provision shall not apply to vehicles of the open type in which the seats are not enclosed by the body of the vehicle"

52 After rule 128 (b), add the following —

"(c) OVERALL LENGTH —The overall length of a public service vehicle shall not exceed twenty six feet"

53 After rule 129 (c), add the following —

"(d) PROTECTION OF LUGGAGE ON STAGE CARRIAGES —The luggage carried on the outside of a stage carriage shall be protected in wet weather by a suitable waterproof covering. The covering shall be securely fastened so as to prevent flapping"

54 In rule 131, delete the word "Registering"

55 For rule 133 (b), substitute the following —

"(b) Fuel tank —The fuel tank of every public service vehicle shall be so placed that no overflow therefrom shall fall upon any woodwork or accumulate on any part of the vehicle"

56 After rule 148 (j), insert the following —

"(k) Provision of chain in steam-driven vehicles —Every steam driven motor vehicle with rubber tyres shall have attached to its frame a chain hanging loose or other contrivance whereby electric contact is made between the body of the vehicle and the earth"

"(l) Exemption by Provincial Government —The Government may by notification in the *Coorg Gazette* exempt to such extent as may be specified in the notification any motor vehicle or class of motor vehicles from all or any of the provisions of the rules framed under Chapter V of the Act"

## CHAPTER VI

### CONTROL OF TRAFFIC

57 After rule 151 (j), insert the following rules —

"(k) Weighing of Vehicles —Police officers not below the rank of Sub Inspectors and Inspector of Motor Vehicles are authorised to require the weighing of goods vehicles and trailers"

"(l) Powers of Provincial Transport Authority to restrict speeds, weights, etc —The Provincial Transport Authority shall have power subject to the control of the Provincial Government—

(i) to impose speed limits,

(ii) to impose limits on the laden weight or axle weight or dimensions of motor vehicles, and to prohibit or restrict the use of motor vehicles generally or of a particular class or of trailers in a specified area or in respect of any road, provided that no such limits or restrictions shall be imposed, and

(iii) to designate any road as a main road"

"(m) Authorities empowered to erect traffic signs —Subject to the provisions of rule 151 (n) the Provincial Transport Authority shall be the authority authorised to cause or permit traffic signs to be placed or erected in any public place for the purpose of regulating motor vehicle traffic"

"(n) *Authorities empowered to erect traffic signs*—The Divisional Officer, Coorg, Public Works Department, who is also a member of Provincial Transport Authority and who is empowered to specify the maximum safe load for a bridge or culvert or to close a public road or street may for the purpose of exercising the said power erect the appropriate traffic signs."

(o) *Weighing of vehicles believed to be used in contravention of restrictions*—Any officer referred to in rule 151 (k), may if he has reason to believe that a goods vehicle is being used in contravention of any laden weight restriction imposed by competent authority require the driver to convey the vehicle to a weighing device, if any, for weighing, and if on weighing, the vehicle is found to contravene such restriction, he may by order in writing, direct the driver to convey the vehicle to a suitable place to be specified in the notice, where facilities exist for the storage of goods and not to remove the vehicle from the place until the laden weight or axle weight has been reduced so that it complies with such restriction."

"(p) *Officers empowered to demand production of registration certificate*—Magistrates, Inspector of Motor Vehicles and Police officers not below the rank of head constable are authorised to demand the production of the certificate of registration of any vehicle, and where the vehicle is a transport vehicle, the certificate of fitness."

"(q) *Officers empowered to demand information*—Police officers not below the rank of Sub Inspector are authorised to demand from the owner of a motor vehicle the driver of which is accused of any offence under the Act, all information regarding the name and address of and the licence held by the driver which is in his possession or could by reasonable diligence be ascertained by him."

"(r) *Officers empowered to inspect vehicles involved in accident*—Magistrates, Inspector of Motor Vehicles and Police officers not below the rank of Sub Inspector are authorised to inspect any motor vehicle involved in an accident and for that purpose to enter at any reasonable time any premises where the vehicle may be and to remove the vehicle for examination."

58 In the 3rd line of rule 152 for the word "six" insert "ninth"

59 In rule 163 (a), substitute a comma for fullstop and add the following —

"nor shall the driver or person in charge of such vehicle permit any person to do so"

60 In rule 157 (b), delete the alternative authority, "an Inspector of Motor Vehicles", and insert as follows after the words "Sub Inspector", "or Inspector of Motor Vehicle"

61 After rule 163 (b), insert the following rule —

"(c) *Driving mirror obscuring of*—No person driving or in charge of a motor vehicle shall—

(i) permit any person to stand or sit or,

(ii) place or permit anything to be placed in such a manner or position as to obscure the driver's vision either directly or rearward by the mirror referred to in rule 96"

"Provided that clause (ii) shall not apply to a vehicle fitted with a blind on the rear window when this blind is used during night time"

62 After rule 164 (b), insert the following —

"(c) *Traffic signs to be observed*—Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by traffic sign, the erection of which is permitted under subsection (1) of section 75 of the Act"

63 After rule 169, add the following rules —

"170 *Exemption by Provincial Government*—The Government may by notification in the official Gazette exempt to such extent as may be specified in the notification any motor vehicle or class of motor vehicles from all or any of the provisions of the rules framed under Chapter VI of the Act"

#### CHAPTER VII MISCELLANEOUS

"171 *Refund of fees*—Subject to the provisions of rules 172 and 173, the Secretary, Provincial Transport Authority, may on application sanction the refund of—

(i) the full fee paid, where the certificate, licence, permit or badge applied for is refused or the application for the certificate, licence, permit or badge is cancelled or withdrawn by the applicant before the certificate, licence, permit or badge, as the case may be, is actually issued and the transaction completed,

- (ii) the excess, where the amount paid is in excess of the proper fee, and  
 (iii) two rupees out of the licence fee of rupees five if the applicant held a licence under the Indian Motor Vehicle Act, 1914, and was prevented by reason of absence out of India on service connected with the present war from obtaining a licence in accordance with the provisions of section 7 (6) (b) or if the applicant held a licence under the Act and was prevented for the same reason from obtaining a renewal of the licence "

"172 No REFUND AFTER INSPECTION—No refund of fee for a certificate of fitness shall be made when the inspection of the vehicle, in respect of which the certificate was applied for has been carried out "

"173 TIME FOR APPLICATION FOR REFUND—No refund of fee shall be made if the application for such refund is not made within one year from the date of the credit of fee to the Government "

#### FORMS

- 64 In Form L P S A for the word "Transport" substitute the word "Licensing"  
 65 In Form L P S for the word "Transport" substitute the word "Licensing" wherever they occur  
 66 In Form C F A delete the words "Registering Authority"  
 67 In Form C F R A delete the words "Registering Authority"

66 For Form T C substitute the following —

#### Form T C

##### *Form of trade certificate*

[Rule 41 (e) of the Coorg Motor Vehicles Rules, 1940 ]

Trade certificate

1  
2  
3  
4  
5  
6

SEAL

7  
Registering Authority

To be filled in as follows —

- 1 Trade registration mark as provided in rule 41 (e)
- 2 Name and address of holder of the certificate
- 3 Date of expiry
- 4 Date of issue
- 5 Classes of motor vehicles in respect of which the certificate has to be issued
- 6 Station
- 7 Signature of authority

NOTE—The use of a separate letter in the trade registration mark in respect of each certificate appears to make it unnecessary to state the total number of certificates on the Form above

69 In column 5 of the heading in Form TCR, add the following —

'Licensing number and address, if not attached to the company''

70 For item 7 of the Form P St S A, substitute the following —

7 The type or types of vehicle to be used on the service and the approximate seating capacity are —

Registration Mark	Type	Seating capacity	Maximum laden weight"
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71 In item 16 of Part A of Form P St P, delete the words "and the dates on which returns are to be made to the Transport Authority"

In Part B of Form P St P, items 3 to 5 shall be renumbered as items 4 to 6 and after item 2, the following item shall be inserted as item 3 —

'3 Capacity passengers"

72 In Part A of Form P St S —

(i) for items 5 and 10 substitute the following —

'5 (a) Total number of vehicles to be used on the route

(b) Particulars of the vehicles to be used including the maximum number of passengers to be carried

1	2	3
Registration Mark	Type	Maximum number of passengers.

10 The maximum weight of luggage and goods to be carried in addition to passengers"

(ii) Add the following as item 15 in the end —

"15 Other conditions"

In Part B of Form P St S —

(i) Items 3 and 4 shall be renumbered as items 4 and 5 and after item 2, the following item shall be inserted as item 3 —

'3 Vehicle Registration Mark"

(ii) In item 5 as so renumbered, delete the words—

"In region of issuing authority In other region"

(iii) For letters 'G A' in item 6 and in the footnote, the letters 'L G W' shall be substituted

(iv) In the footnote on Form P St S for the words "P S S" substitute the words "P St S" and delete "Part B Entry 3"

(v) The following shall be added as a footnote to Form P St S —

"L G W stands for maximum weight of luggage and goods that may be carried in the vehicle"

73 Delete item 11 in Part A of Form P Co P and renumber item 12 as item 11

74 After column 4 in the heading under item 5 of Part A of Form P Pr C, the following shall be inserted as column 4 (a) —

"4 (a) Unladen weight"

In item 8 of Part A of Form P Pr C, delete the words "and the date on which returns are to be made to the Transport Authority" and insert the following as item 10 —

"10 Permit laden weight"

75 In the heading under item 5 of Part A of Form P Pu C, the following shall be inserted as column 2 (a) —

"2 (a) Unladen weight "

In item 7 of Part A of Form P Pu C, the following words shall be deleted —

"and the dates on which returns have to be made to the Transport Authority "

In Part A of Form P Pu C, the following shall be inserted as items 10 and 11 —

"10 Permit laden weight

11 Nature of goods to be carried "

In Part B of Form P Pu C, the following shall be added as item 7 —

"7 Nature of goods "

76 Insert the following as item 8 in Form P Tem and renumber item 8 as item 9 —

"8 Route(s)/Area —"

77 In Form L Con —

(i) Insert the following below (permanent address) —

"Age

Caste

Descriptive marks "

(ii) Add in the end —

"Pages 2 and 3—

#### *Renewals*

Number	Date of issue	Date of expiry	Signature of licensing authority
of 19			
of 19			
of 19			

Pages 4 to 9

(Space for convictions and endorsements")

78 In Form L Con A —

(i) items 5 to 7 shall be renumbered as items 8 to 10 respectively and after item 4, the following items shall be inserted, namely —

"5 Age

6 Caste

7 Descriptive marks "

(ii) in item 10 as so renumbered the words and figures "that I am not less than 18 years of age and" shall be omitted

79 In the end add the following forms —

#### *Form CCE*

*Form of intimation by Court of conviction of conductor*

[Rule 77 (1) (ii) of the Coorg Motor Vehicles Rules, 1940]

Court of the

Magistrate

To

Name

Holder of conductor's licence No \_\_\_\_\_ has been convicted by me of an offence punishable under rule \_\_\_\_\_ Coorg Motor Vehicles Rules, 1940, section \_\_\_\_\_, Motor Vehicles Act, 1939, and sentenced to \_\_\_\_\_ in CC No \_\_\_\_\_, date \_\_\_\_\_

I have cancelled/suspended the conductor's licence from \_\_\_\_\_ to \_\_\_\_\_

## FORM TSS

[Rule 84 (a) (f) of the Coorg Motor Vehicles Rules, 1940]

## ORIGINAL

*Trsp sheet for stage carriages*

Stage carriage No

Licensed to carry

passengers for

19 .

Up

From

To

Hours of duty	Name of conductor	Conductor's certificate number	Conductor's badge number	Name of driver	Driver's licence number	Driver's badge number

Down

From

To

Hours of duty	Name of conductor	Conductor's certificate number	Conductor's badge number	Name of driver	Driver's licence number	Driver's badge number

Serial number of trsp	Up or down	Starting time	Time of arrival	Number of passengers carried	Remarks

(Signature of  
conductors) {  
1  
2  
3  
4

FORM T88  
[Rule 84 (a) (1) of the Coorg Motor Vehicles Rules, 1940 ]

COUNTERFOIL

(To be preserved for one year )

*Trip sheet for stage carriages*

Stage carriage No

Licensed to carry

passengers for

19 .

Up

From

To

Hours of duty	Name of conductor	Conductor's certificate number	Conductor's badge number	Name of driver	Driver's licence number	Driver's badge number

Down

From

To

Hours of duty	Name of conductor	Conductor's certificate number	Conductor's badge number	Name of driver	Driver's licence number	Driver's badge number

Serial number of trip	Up or down	Starting time	Time of arrival	Number of passengers carried	Remarks

(Signature of  
conductors )  $\left\{ \begin{array}{l} 1 \\ 2 \\ 3 \\ 4 \end{array} \right.$



## FORM TSC

[Rule 84 (a) (1) of the Coorg Motor Vehicles Rules, 1940 ]

## ORIGINAL

*Trip sheet for contract carriages*

Motor Vehicle No				Licensed to carry			Passengers load of cwt		
Name of driver	Licence number	Badge number	Hours of duty	Date and serial number of trip or engagement	Starting place and time	Destination and time of arrival	Mileage done during trip	Duration of halt, if any	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Signature of drivers {  
1  
2  
3  
4

## FORM TSC

[Rule 84 (a) (1) of the Coorg Motor Vehicles Rules, 1940 ]

## COUNTERFOIL

[To be preserved for one year ]

*Trip sheet for contract carriages*

Motor Vehicle No				Licensed to carry			Passengers load of cwt		
Name of driver	Licence number	Badge number	Hours of duty	Date and serial number of trip or engagement	Starting place and time	Destination and time of arrival	Mileage done during trip	Duration of halt, if any	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Signature of drivers {  
1  
2  
3  
4

## FORM GVR

[Rules 84 (b) (i) to (b) (iv) of the Coorg Motor Vehicles Rules, 1940 ]

## GOODS VEHICLE RECORD

Date

Name of permit holder—

*Section 1 —Period of work*

Name and address of driver	No of the licence	Name of the authority by which it was issued	Date and time last ceased work	Time commenced work	Intervals of rest		Date and time finished work	Total time worked
					From	To		

*Section 2 —Particulars of journey and goods*

Registration mark of vehicle	Journey				Goods carried		Destination.
	Left		Arrived		Descrip tion	Maximum weight at any one time	
	Place	Time	Place	Time			

## FORM TGR

[Rule 84 (c) of the Coorg Motor Vehicles Rules, 1940 ]

*Timings register of stage carriages of \_\_\_\_\_ Station*

1	Name of service	2	Distinguishing number of stage carriage	3	Starting place	4	Destination	5	Arrival at the Station	6	Departure from the Station	7	Number of passengers allowed as per permit	8	Number of passengers in the bus	9	Number of driver's badge	10	Name of driver	11	Number of conductor's badge	12	Signature of conductor

## FORM TR

[Rule 84 (a) (iii) of the Coorg Motor Vehicles Rules, 1940 ]

*Trip register for public service vehicles*

Route— From To

Permit No Dated

Date	Conductor's name	Conductor's licence number	Conductor's badge number	Driver's name	Driver's licence number	Driver's badge number	Number of trips	Remarks

## FORM PI

[Rule 89 (i) of the Coorg Motor Vehicles Rules, 1940]

*Form of intimation by Court of conviction of permit holder*

Court of the

Magistrate

To

Name

Holder of permit No. has been convicted by  
 me of an offence punishable under rule Coorg Motor Vehicles  
 Rules, 1940, section Motor Vehicles Act, 1939 and sentenced  
 to in C. C. No. date

J W PRITCHARD,  
*Chief Commissioner*

OFFICE OF THE CHIEF COMMISSIONER, DELHI  
 NOTIFICATION

*Dated the 16th December 1941*

*No F 12 (45)/41 General*—In exercise of the powers conferred by clause (za) in sub-section (2) of section 68 read with clause (f) in sub-section (3) of section 42 of the Motor Vehicles Act, 1939, the Chief Commissioner is pleased to make the following rule, the same having been previously published with his Notification No F 12 (45)/41 General, dated the 28th October 1941

*Rule*

Subject to the conditions set forth below, transport vehicles hired by the Indian Posts and Telegraphs Department for use as postal vans shall be included among those vehicles to which sub-section (1) of section 42 of the Motor Vehicles Act, 1939, shall not apply

The exemption ordered by this rule shall not be effective in respect of any transport vehicle unless—

- (a) it is hired by the Indian Posts and Telegraphs Department on a contract for a period of not less than one year,
- (b) it is used exclusively for the carriage of mails and Post Office personnel,
- (c) it is painted in such a way, and bears such departmental markings, as would render it unsuitable for use except as a postal van, and

- (d) the Department has furnished the particulars of the vehicle to the Delhi Provincial Transport Authority

A V ASKWITH,  
Chief Commissioner, Delhi

## OFFICE OF THE CHIEF COMMISSIONER, DELHI

### NOTIFICATION

*Delhi, the 13th January 1942*

*No F 12 (3) III/41 General*—In exercise of the powers conferred by sections 21 and 41 of the Motor Vehicles Act, 1939, read with the notification of the Government of India in the Department of Communications, No R 60, dated the 28th June 1939, the Chief Commissioner is pleased to make the following rules, the same having been previously published with his Notification No F 12 (13) III/41 General, dated the 22nd November 1941

#### Rules

1 Notwithstanding anything contained in the Delhi Motor Vehicles Rules, 1940, no fee shall be charged for the issue or alteration of certificates of registration relating to motor vehicles which are the property of the Commissioner for the United States of America or his Secretaries or for the examination or inspection of such motor vehicles

2 If the Commissioner for the United States of America or his Secretaries shall have paid or shall hereafter pay a fee for the issue or renewal of a licence to drive a motor vehicle or for undergoing a test of competency to drive the fee shall on application be refunded to them

A V ASKWITH,  
Chief Commissioner, Delhi

## AMENDMENT TO THE INSURANCE RULES

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) Sir, I lay on the table a copy of an amendment to rule 24 of the Insurance Rules, 1939, published with the Department of Commerce Notification No 597-I (3)/41, dated the 29th November, 1941

### DEPARTMENT OF COMMERCE

#### NOTIFICATION

##### INSURANCE

*New Delhi, the 29th November 1941*

*No 597 I (3)/41*—In exercise of the powers conferred by sub-sections (1) and (2) of section 114 of the Insurance Act, 1938 (IV of 1938), the Central Government is pleased to direct that the following further amendments shall be made in the Insurance Rules, 1939, the same having been previously published as required by sub-section (1) of the said section, namely—

In sub-rule (2) of Rule 24 of the said Rules—

- (a) in clause (i), the words "annual gross" shall be omitted,
- (b) to the said sub-rule, the following proviso shall be added, namely

"Provided further that in relation to insurers who are required to furnish returns in accordance with sub-section (2) of section 16 of the Act the reference to the calendar year in this sub-rule shall be construed as a reference to either the period covered by the revenue account furnished under clause (b) of the said sub-section or the calendar year"

N R PILLAI,  
Addl Secy to the Govt of India

## ELECTION OF TWO NON OFFICIAL MEMBERS TO THE DEFENCE CONSULTATIVE COMMITTEE

**Sir Gurunath Bewoor** (Government of India Nominated Official) Sir, I move

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, two non official members to serve on the Defence Consultative Committee, *vice* Mr L C Buss, deceased, and Lieut Colonel M A Rahman, resigned"

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, two non official members to serve on the Defence Consultative Committee, *vice* Mr L C Buss, deceased, and Lieut Colonel M A Rahman, resigned"

The motion was adopted

**Mr President** (The Honourable Sir Abdur Rahim) I may inform Honourable Members that for the purpose of election of two members to the Defence Consultative Committee the Notice Office will be open to receive nominations up to 12 noon on Saturday, the 14th February, 1942, and that the election, if necessary, will, as usual, take place on Tuesday, the 17th February, 1942, in the Assistant Secretary's room in the Council House, New Delhi, between the hours of 10-30 A M and 1 P M The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote

## THE WORKMEN'S COMPENSATION (AMENDMENT) BILL

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) Sir, I beg to move for leave to introduce a Bill further to amend the Workmen's Compensation Act, 1923

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That leave be granted to introduce a Bill further to amend the Workmen's Compensation Act, 1923"

The motion was adopted \*

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** Sir, I introduce the Bill

## THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) Sir, I beg to move for leave to introduce a Bill further to amend the Indian Merchant Shipping Act, 1923

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

to introduce a Bill further to amend the Indian Merchant

The motion was adopted

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** Sir, I introduce the Bill

### THE COFFEE MARKET EXPANSION BILL

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) Sir, I beg to move for leave to introduce a Bill to continue the provision made under Ordinance No XIII of 1940 for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India and by other means

**Mr President** (The Honourable Sir Abdur Rahim) The question is "That leave be granted to introduce a Bill to continue the provision made under Ordinance No XIII of 1940, for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India and by other means "

The motion was adopted

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Sir, I introduce the Bill

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### THE INDIAN PENAL CODE (AMENDMENT) BILL

**The Honourable Sir Sultan Ahmed** (Law Member) Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code

**Mr President** (The Honourable Sir Abdur Rahim) The question is "That leave be granted to introduce a Bill further to amend the Indian Penal Code "

The motion was adopted

**The Honourable Sir Sultan Ahmed.** Sir, I introduce the Bill

### THE INDIAN MEDICAL COUNCIL (AMENDMENT) BILL

**Mr. J D Tyson** (Secretary, Department of Education, Health and Lands) Sir, I beg to move for leave to introduce a Bill further to amend the Indian Medical Council Act, 1933

**Mr. President** (The Honourable Sir Abdur Rahim) The question is "That leave be granted to introduce a Bill further to amend the Indian Medical Council Act, 1933 "

The motion was adopted

**Mr. J. D. Tyson.** Sir, I introduce the Bill

### THE MULTI-UNIT CO-OPERATIVE SOCIETIES BILL

**Mr. J. D. Tyson** (Secretary, Department of Education, Health and Lands) Sir, I beg to move for leave to introduce a Bill to provide for the incorporation, regulation and winding up of co-operative societies with objects not confined to one province

**Mr. President** (The Honourable Sir Abdur Rahim) The question is "That leave be granted to introduce a Bill to provide for the incorporation, regulation and winding up of co-operative societies with objects not confined to one province "

The motion was adopted

**Mr. J. D. Tyson:** Sir, I introduce the Bill

## THE INDUS VESSELS (AMENDMENT) BILL

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) Sir, I beg to move for leave to introduce a Bill further to amend the Indus Vessels Act, 1863

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

'That leave be granted to introduce a Bill further to amend the Indus Vessels Act, 1863'

The motion was adopted

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar.** Sir, I introduce the Bill

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## THE INDIAN BOILERS (AMENDMENT) BILL

**Mr. H. O. Prior** (Labour Secretary) Sir, I beg to move for leave to introduce a Bill further to amend the Indian Boilers Act, 1923

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

'That leave be granted to introduce a Bill further to amend the Indian Boilers Act, 1923'

The motion was adopted

**Mr. H. O. Prior** Sir, I introduce the Bill

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## THE WEEKLY HOLIDAYS BILL

**Mr. H. O. Prior** (Labour Secretary) Sir, I move

'That the Bill to provide for the grant of weekly holidays to persons employed in shops, commercial establishments, restaurants and theatres be referred to a Select Committee consisting of the Honourable Sir Sultan Ahmed, Mr. C. C. Miller, Sir E. E. James, Mr. Jinnudas M. Mehta, Sardar Sant Singh, Sir Muhammad Yamin Khan, Maulvi Muhammad Abdul Ghani, Raja T. Manavedan, Rao Sahib N. Sivaiaj, Mr. N. M. Joshi and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five'

Sir, I do not think it is necessary for me to make a long speech regarding this Bill, because it has been considered in various manners for a considerable time. The Labour Ministers Conference has considered it twice. We published the Bill in the Gazette some long time ago and we have received a certain number of opinions on the Bill. It covers the same subject as has already been covered in certain provinces by provincial legislation. There are more or less similar Bills but going somewhat further in the Provinces of Bombay, Punjab, Bengal and Sind, and we have thought it advisable to bring forward this Bill to provide power to the remaining Provinces to introduce by notification the provisions of the Bill to provide weekly holidays for restaurants, theatres and shops and also to give them permission by a separate notification to provide for a half holiday. The Bill, as we have framed it, provides also for power to Provincial Governments, if they introduce a Bill, to make it applicable to commercial establishments, but we have received certain opinions which indicate that if the Bill is now applied to commercial establishments there may be some interference with the war effort and, therefore, I propose,



if the House accept the motion to refer the matter to a Select Committee, to recommend to the Select Committee, that the inclusion in the Bill of commercial establishments should not be allowed and that commercial establishments should be taken out from the scope of the Bill Sir, I move

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

"That the Bill to provide for the grant of weekly holidays to persons employed in shops, commercial establishments, restaurants and theatres be referred to a Select Committee consisting of the Honourable Sir Sultan Ahmed, Mr C C Miller, Sir F E James, Mr Jannadras M Mehta, Sardar Sant Singh, Sir Muhammad Yamin Khan, Maulvi Muhammad Abdul Ghani, Raja T Manavedan, Rao Sahib N Sivaram, Mr N M Joshi and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five "

**Mr N M. Joshi** (Nominated Non-Official) Sir, in India we have some legislation for regulating the conditions of life and work of the employees in industries I think this is the first time we are considering legislation regulating the conditions of life and work of employees in other occupations, including commercial establishments and places of amusement and restaurants In the first place, I feel, Sir, that the Government of India, which has spent some considerable time in consulting the Provincial Governments regarding the provisions of this Bill, should not have been hesitant to apply the provisions of this Bill, to those provinces which need them straightaway without leaving it to the provinces to apply these regulations within their jurisdiction or not I feel, Sir, that the Government of India had consulted other provinces and, therefore, they should have made the provisions of this Bill applicable without further time being spent by the provinces in making these regulations applicable to their area

If the provisions of a Bill of this kind are to be made applicable after the Provincial Governments choose to do so, I do not know what is the object of allowing consultations with the Provincial Governments If such legislation is to be left to the Provincial Governments to apply to their areas or not, the Government of India need not have spent much time in consultation However, I shall not deal with this at greater length The Government of India have chosen to do so and the Provincial Governments perhaps insisted upon this form of legislation and I should say nothing more about it, but I feel that the legislation which the Government of India is putting before this Legislature is not comprehensive enough

There is not much to object to in the Bill It may achieve something, but if you are legislating on an important subject of this kind, the legislation should be comprehensive This Bill tries to regulate and provide holidays for the employees of commercial establishments, restaurants, cinemas and other places of amusement, but it is necessary—perhaps more necessary to regulate the hours of work of such employees, than merely providing a holiday for them Then, some provision is necessary to regulate the employment of children—prohibiting the employment of very young children and restricting the employment of young persons Then there must be some provision fixing the hours of opening of these places and their closing There must be some provision for providing mid-day rest This Bill does nothing of the kind, it restricts itself only to the weekly holidays I hope that the Government of India will not rest content with the passing of this legislation and that they will undertake more comprehensive legislation very soon If the Select Committee can extend the

[Mr N M Joshi ]

scope of this legislation, I hope that the Government of India will not stand in their way

Then there is one more point. The Government of India are dealing with commercial establishments, restaurants, cinemas and theatres, but there are other similar occupations to which the Bill should have been made applicable. In any case the Government of India, when they are passing this legislation, should have taken power or given power to Provincial Governments to extend the application of these provisions to similar occupations. Unfortunately, the Government of India have not done that. I hope that the Government of India will agree to do this in the Select Committee.

I have not much more to say, except that the points which I have placed before the House will be taken into consideration by the Select Committee and I hope that the Government of India will maintain a reasonable attitude in considering the suggestions I have made.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non Official). Sir, whilst I welcome this measure, a very long delayed measure, of relief to the workmen, I have certain doubts in my mind as to the kinds of establishments, commercial, etc., to which this Bill is to be applied. The Honourable the Mover in his statement here on this draft Bill has outlined the various establishments and concerns to which it is intended to be applied, and which will receive the consideration of the Select Committee. I have a few observations to make of which I trust the Honourable the Mover will take notice and consider at the Select Committee.

The first remark I desire to make is this: in commercial establishments the Honourable the Mover has incorporated certain classes of firms and he followed this up by saying that, owing to certain objections or criticisms, the Select Committee will be asked to consider the exclusion of the applicability of this Bill to certain commercial establishments, claiming as his *raison d'être* that it would affect war efforts. The Bill very rightly stresses the fact that, in regard to railway workshops, where munitions are made, these provisions will not be applied.

In my opinion if there is one class of servants in India who have well deserved a measure of some relief, it is those who are employed in Banks and I desire that Banks come under the provision of this Bill. Commercial establishments who extend their hours of labour do so mainly for their benefit and partly as a war effort say fifty fifty. But the Banks often use their servants almost like pack-mules. One sees these men slaving every night, Saturdays included, long after the hours when other employees including Members of this House have ceased to labour, and further these Bank employees go home with piles of work, so as to be able to please their employers next morning. I know this for a fact. I also know of many cases whose health have broken down owing to this terrible over work and, today, it is the curse of Bank labour—indeed it is inhuman to call upon its servants to work nearly twelve hours and more a day. I know that the Finance Member will look askance at any reduction in this bank labour, because it would react on the revenues of the country and the working of the bank. But why take unfair advantage to the extent of the workers' health and from—may be—a reduced staff in your effort to economise and to get an ultra-maximum return from your smaller staff? My conviction is

—if any firm in India needs the application of this Act, it is these Banks. There is no other establishment in India which demands from its employees so much work as Banks, and I think Banks must come within the ambit of this Bill. Otherwise (a) increase the staff and so afford your employees adequate rest or (b) give them liberal overtime allowance as the Railways do today, but don't continue this sweat, toil, tears and blood labour and not allow this Bill to stop its continuance.

The next point is—I entirely agree with Mr. Joshi that the scope of this Bill is very limited. Why! it is more limited than some of the provincial Bills that have been passed many months ago. I think the Honourable Member who moved this Bill should give his closest attention to ensure that, not only should there be a weekly holiday and even also a half-day, but there should be certain restrictions imposed on the hours of daily labour. If commercial establishments and Banks demand from their staff with the main object of their own financial gain, work from morning to night—I am referring to the Banks particularly—and do not give them overtime, I shall press that the scope of application of this Bill should not be so limited but must afford adequate protection to such enslaved labour. I, therefore, desire to bring this matter to the serious notice of the Honourable Member who is piloting this very necessary measure of relief to the labourer.

**Babu Baijnath Bajoria** (Marwari Association Indian Commerce) Sir, I quite agree that there should be a Bill like this which can cover the whole of this country. There have been provincial legislations in this matter and there has been opposition to those measures. I agree that there should be a holiday of one day per week. Sunday is not always the best day to have a holiday for a commercial or shop establishment, because on Sunday the mills and factories are closed and it is the most convenient day for the mill workers to make their purchases on Sunday. I hope the Select Committee will make a note of this.

Again, I strongly object to clause 5 of the Bill which gives power to the Provincial Governments enabling them to make a notification for giving an extra half day as holiday per week, making one and a half days holidays per week. At the present time in Bengal, assistants in shops and commercial establishments get one and a half days as holidays in a week. There was very bitter criticism against the extra half day when the Bill was being passed in the Bengal Legislature. It does not also have very salutary effect on employees themselves. Many of the employees' salaries were reduced as a result of these extra holidays. If a person does not work on, say, a Saturday afternoon, his earning capacity is less and he spends more on cinemas and theatres.

**The Honourable Mr. M. S. Aney** (Leader of the House) Now they are all closed in Calcutta I believe!

**Babu Baijnath Bajoria:** What I say is that people do not take it as a blessing because they cannot earn, and when they do not have anything else to do, they go and spend money. Where there is a system in offices like the mercantile offices, under which they close at 2 or 1 P.M., let that be continued. That is optional with the employers, but to make a countrywide legislation or give power to the Provincial Legislatures to make it compulsory for all shops and

[Babu Baijnath Bajoria]

establishments to close for one and a half days in a week—I think that is not fair and the central legislation should be only for one day per week, and that day should be fixed according to the convenience of the shops and the establishments because they are the best judge on which day, if they close their shops, they will inconvenience their customers in the least degree. I hope that the Government and the Select Committee will take into consideration the remarks I have made.

**Mr Lalchand Navalrai** (Sind Non Muhammadan Rural) I have very few words to say on this Bill. It appears to me that it is a very salutary Bill and it should be enacted as early as possible. I see that this Bill extends to the whole of British India. As large delay has already happened in enacting a Bill of this nature, I would submit that the Bill should be so amended by the Select Committee, after considering the materials that have been collected, that they can come to a conclusion by which the holidays that may be provided will be uniform throughout the whole of India. Otherwise, the Provincial Governments may take a long time and in certain places they may not agree with others and there may be great delay. I submit that the work should not be done in an incomplete manner, it should be done wholly and completely. In the Statement of Objects and Reasons I find

"The present Bill has been drafted after consultation with Provincial Governments and further discussion at the second Conference of Labour Ministers held in January, 1941."

Therefore, materials for finding out how much time should be provided for, or how it should be done, are already there. Therefore, no more delay should be made and I do agree with Mr Joshi that as early as possible this enactment should be made, with definite provisions, not leaving it to the Provincial Governments to delay the matter, and it should apply to the whole of India and I support his suggestion.

**Mr O C Miller** (Bengal European) I support the motion that the Bill be referred to a Select Committee, but I would emphasise the point that has already been mentioned by several previous speakers that the Bill is somewhat belated and that in the intervening period no less than four provincial Acts have been passed and are now working in the various provinces. These Acts, speaking generally, deal with the subject in more detail than the Bill we have before us. For instance, there are provisions in some of them for hours of work, in others for payment of wages, and in certain others for employment of young children, and I think the one thing that is to be avoided is that the introduction of this Bill should interfere with legislation which has already been established in the provinces and which is running satisfactorily there. With that proviso I support the motion to refer the Bill to a Select Committee.

**Mr H C. Prior:** I find that there is general agreement with my motion for reference to Select Committee and I welcome it. But I do find whenever Government try to bring forward any piece of social legislation, Mr Joshi goes for us and says we are not going far enough. I find there are one or two other Members here who hold the same opinion with regard to this Bill. Perhaps they do not realise some of the difficulties in connection with promoting an all-India legislation of this nature.

The last speaker, my Honourable friend, Mr Miller, has referred to the fact that there is legislation on this subject already in existence in a number of provinces, and it goes further than the legislation which we propose. If, therefore, we were to accept the suggestion of Mr Lalchand Navai that we should have uniformity throughout India, we should have to go as far as those provinces have gone. That may not be suitable under the conditions existing in certain of the other Provinces and we feel that we go far enough if we give the Provinces power to apply a moderate Act of benefit to a moderate number of people, and an Act which can be generally accepted throughout India. It is always possible for a province to go further, and I think there is no such risk as Mr Miller seems to contemplate, that this moderate Act which we propose will in any way interfere with the provincial legislation already passed. If this Bill is passed, it cannot be introduced in a province unless the province introduces it. Therefore, until that is done there seems to be no question of repugnancy. Sir Henry Gidney raised the question of workshops. Those workshops are already under the Factories Act. They have their holidays under the Factories Act and we feel that it is not necessary to go further, particularly in war time, than the conditions of work that are laid down in the Factories Act. As regards commercial establishments he mentioned the case of banks. So far as I know, banks are closed on Sundays, but whether people work inside with closed doors then I do not know. (Interruption) I know I cannot draw my money on Sundays, and there are a certain number of other holidays under the Negotiable Instruments Act.

**Sir Muhammad Yamin Khan** (Agra Division Muhammadan Rural) You cannot draw your money after one o'clock on Saturday.

**Lieut.-Colonel Sir Henry Gidney** That is only money, but not work.

**Mr H. C. Prior** If we were to lay down that commercial establishments throughout India should be closed on any one day in the week, and closed wholly, it would, in our opinion, be very likely to interfere with the war effort now going on. The work in commercial establishments and in factories, and particularly those commercial establishments that are closely connected with factories is complementary and it is not possible to close one without closing the other. Therefore, we feel that this is not the time to give powers to Provincial Governments without consulting their Legislatures to bring into the weekly holiday list those commercial establishments.

**Lieut.-Colonel Sir Henry Gidney:** Why not give them overtime like Railways?

**Mr. H. C. Prior:** That will be a matter for another Bill.

That brings me on to the other criticism. In the criticisms that have been made in regard to this Bill—and I think Sir Henry Gidney's criticism was possibly more in this respect than any other speaker—we were told that we ought to regulate hours of work. Well, we have not thought it necessary to do so in this Bill. It will be difficult to do that on an all-India basis and we feel that it is better to go somewhat slowly, to get this weekly holiday for shops, restaurants and theatres and to give the provinces power to give them an

[Mr H C Prior]

additional half holiday I hope that the House will support my motion to refer the Bill to the Select Committee

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That the Bill to provide for the grant of weekly holidays to persons employed in shops, commercial establishments, restaurants and theatres be referred to a Select Committee consisting of the Honourable Sir Sultan Ahmed, Mr C C Miller, Sir F E James, Mr Jannadas M Mehta, Sardar Sant Singh, Sir Muhammad Yamin Khan, Maulvi Muhammad Abdul Ghani, Raja T Manavedan, Rao Sahib N Sivaraj, Mr N M Joshi and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five "

The motion was adopted

### REPORT OF THE PUBLIC ACCOUNTS COMMITTEE

**The Honourable Sir Jeremy Raisman** (Finance Member) Sir, I move

That the Report of the Public Accounts Committee on the accounts of 1939-40 be taken into consideration

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

That the Report of the Public Accounts Committee on the accounts of 1939-40 be taken into consideration

**Dr Sir Ziauddin Ahmad** (United Provinces Southern Divisions Muhammadan Rural) When we agreed to the postponement of the adjournment motions, it was understood that the Public Accounts Committee Report will not be taken up today

**Mr President** (The Honourable Sir Abdur Rahim) There was no such condition at all That was treated as a separate matter

**Dr Sir Ziauddin Ahmad** I beg to move that this report may be considered on another official day

**Dr P N Banerjee** (Calcutta Suburbs Non-Muhammadan Urban) I support the motion

**Mr President** (The Honourable Sir Abdur Rahim) The Chair cannot accept the motion

**The Honourable Sir Jeremy Raisman** Sir, May I say

**Mr President** (The Honourable Sir Abdur Rahim) I do not think the Honourable Member need argue it

**Dr E. D. Dalal** (Nominated Non-Official) Mr President, I desire to take this opportunity to request the attention of this Honourable House to a few points of public interest Sir, I shall in the first place refer very briefly to the important subject of capital expenditure Proper control over capital expenditure should be exercised or over the decisions to advance money for capital expenditure projects undertaken by Provincial Governments or Indian States in connection with which they come to the Central Government for funds Capital expenditure very often covers

very large sums of money, the effects of which are felt for many years, and sometimes leads to results, which are often discovered too late in order to remedy the evils which have been accomplished. So, the Central Government should not get committed to an unwise programme of capital expenditure, and there should be adequate machinery for checking capital expenditure projects. It may be urged that this is not the business of

**Mr President** (The Honourable Sir Abdur Rahim) Which page of the report is the Honourable Member dealing with now?

**Dr R. D. Dalal** The most preliminary portion, capital expenditure

**Mr President** (The Honourable Sir Abdur Rahim) Is it dealt with in the report at all? I want to follow the Honourable Member's argument

**Dr R. D. Dalal** Yes, Sir I do not exactly remember the page but the subject is very important

**Mr President** (The Honourable Sir Abdur Rahim) The subject may be very important but it may not have been dealt with in the Report

**Dr R. D. Dalal** I shall finish this point in a minute

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member is talking about capital expenditure. It must be dealt with in the Report somewhere. Is the question dealt with in the Report? Because the Report is under consideration

**Dr R. D. Dalal** The Honourable the Finance Member will support me that this is in the Report. He will be able to express an opinion as to whether this is in order or not.

**The Honourable Sir Jeremy Raisman** The position is that capital expenditure is dealt with under many heads just as revenue expenditure. I would submit that if the Honourable Member is making some general observations about the control, the degree of accuracy of the control of capital expenditure as compared with expenditure debitable to revenue, then I would submit that this arises in a general way.

**Mr President** (The Honourable Sir Abdur Rahim) But this point can only be dealt with with reference to something in the Report. The Honourable Member must point out the particular point he is dealing with. There is a lot of capital expenditure dealt with in this Report.

**Dr R. D. Dalal** There is the Vizagapatnam Harbour Scheme, and I am making my observations in regard to that, for example.

**Mr President** (The Honourable Sir Abdur Rahim) Where is that?

**Dr R. D. Dalal** I do not remember the page.

**Mr President** (The Honourable Sir Abdur Rahim) If the Honourable Member cannot remember, the Chair cannot allow him to talk at random.

**The Honourable Sir Jeremy Raisman:** It is on page 18

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member has apparently not read the Report. I think the Honourable Member had better point out what he is referring to.

**Dr R D Dalal** I know this point was dealt with in the Committee of which I am a member. I have been a member for the last ten years.

**Mr President** (The Honourable Sir Abdur Rahim) I want to know where this is dealt with.

**The Honourable Sir Jeremy Raisman** On page 18, paragraph 29, you will find a reference to the Vizagapatam Harbour.

**Dr R D Dalal** It may be urged that this is not the business of the Central Government, which is mostly concerned with advancing the money, and should not be concerned with the actual effect of the projects. But the projects may become of such a magnitude that if they fail to carry out the expectations, for example, if the capital that is required for completing the projects is much larger than was originally anticipated,

**Mr President** (The Honourable Sir Abdur Rahim) Is the Honourable Member referring to the Vizagapatam Harbour?

**Dr R D Dalal** Yes, Sir. Or if the yield, which is drawn from them, is much smaller than was anticipated the projects may become of such magnitude as to affect the whole financial position of the borrowing authority.

**Mr President** (The Honourable Sir Abdur Rahim) The Chair cannot allow the Honourable Member to go into all that.

**Dr. R. D. Dalal** Take, for instance, the Bombay Backbay reclamation scheme, the Sukkur Barrage scheme, Vizagapatam harbour scheme.

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member cannot go on like this. These things are not referred to in the report.

**Dr R D Dalal** Then, I pass on to the next point. I am of opinion that the Provincial Governments should not be allowed to overdraw their current accounts. They should be regularly in credit on their current accounts.

Now, Sir, I shall mention a few other points and I hope the Honourable the Finance Member will be pleased to enlighten the House on those points. My first point is this. Can the income derived from forests be increased by giving contracts to good landlords in place of direct departmental administration. My second point is this. In olden days every Indian State

**Mr. President** (The Honourable Sir Abdur Rahim) These are again abstract questions which the Honourable Member is raising.



**Dr. R. D. Dalal** They are all dealt with in the Public Accounts Committee Report. They are always dealt with in the session of the Public Accounts Committee and we are just

**Mr. President** (The Honourable Sir Abdur Rahim) In that case, the Honourable Member ought to be able to point them out, otherwise he can raise all sorts of abstract questions. Was this question raised before the Committee?

(The Honourable Member kept silent)

The Honourable Member can lay down any proposition he likes in discussing the budget, but that is another matter. In discussing this report, however, he must deal with the matter that has been raised before the Committee.

**Dr. R. D. Dalal:** As you want the pages, I will go by pages.

**Mr. President** (The Honourable Sir Abdur Rahim) I want references. I do not want that abstract questions should be dealt with.

**Dr. R. D. Dalal** Then, I will refer to Grant No. 12, Executive Council, page 23, of the Report (Volume I). Is that clear?

**Mr. President** (The Honourable Sir Abdur Rahim) What about that?

**Dr. R. D. Dalal.** I would like to pay a tribute to the public spirit of the Members of the Viceroy's Executive Council.

**Mr. President** (The Honourable Sir Abdur Rahim) What has that got to do with the Public Accounts Committee Report? The Honourable Member is really wasting the time of the House.

**Dr. R. D. Dalal:** They have agreed to draw reduced salary, and this fact is mentioned on page 23 of the Report.

**Mr. President** (The Honourable Sir Abdur Rahim) That is not a question of public accounts.

**Dr. R. D. Dalal.** We must pay a tribute to the existing Members, because the pay of the Members of the Executive Council is protected in the same way as that of the other officials, and it cannot be changed except by Parliamentary legislation.

**The Honourable Sir Jeremy Raisman:** The point is mentioned in paragraph 38 (page 23) of the Report.

**Dr. R. D. Dalal.** The existing Members have volunteered to accept the new rate of pay, so that there should be no discrimination as between the existing and the new Members.

Then, Sir, one word as regards paragraph 19, page 8 of the Report, Volume I. It is the Auditor General who, in the main, guides the affairs of the Public Accounts Committee, and I hope the House will take this opportunity to place on record its appreciation of the valuable

[Dr R D Dalal]

assistance Sir Cameron Badenoch rendered throughout the session of the Public Accounts Committee during August, 1941, and of his lucid comments on the various appropriation accounts which greatly facilitated the work of the Public Accounts Committee. Although I think it is desirable to avoid any suggestion that this Legislative Assembly should develop into a sort of Admiration Society, I still would like to say one word of appreciation for the great kindness we have always had from the Honourable the Finance Member.

**Mr President** (The Honourable Sir Abdur Rahim) That is what the Honourable Member had been doing all the time.

**Dr R. D. Dalal** I take this opportunity to acknowledge the fairness and the courtesy which Sir Jeremy Raisman has always shown to the members of the Public Accounts Committee. I must refer to the fact that at the time of the discussions in the Committee Sir Jeremy Raisman, as Chairman, has always taken an independent attitude, even forgetting that he has to safeguard certain definite interests of the Indian Finance Member.

**Mr President** (The Honourable Sir Abdur Rahim) I am sure Sir Jeremy Raisman has done his duty.

**Dr R. D. Dalal** He forgets his official position even and he joins his non-official colleagues with great heartiness in the attack which they deliver on the representatives of the various Departments of the Government of India.

**Maulvi Muhammad Abdul Ghani** (Tirhut Division, Muhammadan) Sir, one important feature of the Budget that has been discussed in this Report has been that there was a large saving which amounted to 6.22 per cent on the whole. It is said in the Report that a sum of Rs. 7,77,16,213 was set apart under a supplementary demand. I maintain that although it was shown as expenditure, the amount was not actually spent. Therefore, practically speaking, the amount was a saving. It is a simple matter of accounting transactions and nothing else. But it was an actual saving. Therefore, we can safely say that the saving in the year under report was actually 6.22 per cent.

Sir, we discussed many things in the Committee but I would like to bring one or two points to the notice of the House. I had always regarded the Railways to be a losing concern, but when I compared it with the Defence budget it paled into insignificance. I will draw the attention of the House to page 9 (para 19) of the Audit Report—Defence Services. In this Report there is a heading 'Missing buildings' under the Defence Department. A number of buildings were found to be missing. The Report says

"During the audit of the account of a Military Engineer Services Division it was noticed that the Registers of Buildings had not been properly maintained. Entries in respect of some of the buildings had been pasted over with slips of paper without any indication of the date or authority for cancellation of the entries."

#### REPORT OF THE PUBLIC ACCOUNTS COMMITTEE

further investigations being made, it was found that cases of a similar nature existed in some other Divisions as well. A sum of Rs 1,97,309 representing the book value of the missing buildings has since been written off by Government."

This fact was brought before the Committee and I now bring to the notice of the House that this is not a satisfactory way of dealing. There are other things. Several financial irregularities come to our notice year after year and this year also some were brought to our notice. The Railway Audit Report, page 17, paras 29-30, deserves the attention of the House. Some contractor used to book timber on verbal pretext and not on written orders when he was ordered to send timber to the military department. The booking authority in the railways for a number of years and particularly in the year under review believed him and on his verbal request booked timber, the freight of which was above Rs 3,000. Ultimately it was brought to the notice of the Defence Department and they denied altogether to have given any verbal instructions or even written instructions to any contractor whatsoever. However that amount was ultimately written off. There are innumerable cases of such irregularities in the railway budget. They are all dealt with in the report. It is quite unnecessary to cite a number of cases because the report is a public one. There was a suggestion before the Committee that the losses on the strategic railways should be accounted for under defence expenditure. I also hold the same opinion. The House should consider which head of budget is appropriate for such kind of losses, whether they should go to defence expenditure or to general expenditure, because there is always loss on strategic railways. There is never any saving. The strategic railways are meant only for military purposes.

There are many minor points with which I do not like to trouble the House. I will mention a few typical instances. When we dealt with Grant No. 47 Aviation, we found there was a large saving. The money that was budgeted for in the year was not spent. When we questioned the department, they could not satisfy us as to the real need for the amount in the budget. This only shows an effort on the part of the department to hoard money.

There is one point about Grant No. 2, relating to Central Excise about writing off revenue under salt. When there are big amounts unrealisable, then the Central Board of Revenue sanctions the writing off of that amount. When there is a small amount, the write off is sanctioned by the Collector. I think such writing off by a subordinate officer should not be allowed. I think the Central Board of Revenue is the final authority to sanction the writing off of any amount small or big.

**The Honourable Sir Jeremy Raisman.** To which paragraph is the Honourable Member referring?

**Maulvi Muhammad Abdul Ghani.** Under head Salt, Public Accounts Committee proceedings, page 54, about writing off revenue from salt. There the witness said that big quantities were written off by the Central Board of Revenue and small quantities by the Collector. The House should judge whether the same kind of system should not be followed in each and every case whether the amount is big or small. Either the writing off should be done by the Central Board of Revenue or by the Collector.

[Maulvi Muhammad Abdul Ghani]

When we dealt with Grant No 32, Geological Survey (page 77 of the evidence) we found that a sum of Rs 1,280 was spent on the passage of an officer sent on deputation to the United Kingdom. We wanted to ascertain whether that amount was properly sanctioned or not, but no satisfactory account was given.

When we dealt with Grant No 12, Executive Council (page 92 of the proceedings), we learnt that a supplementary demand was made in the year under report, but that proved to be quite excessive, and during the examination of witnesses we were given to understand that still there were four reserved saloons lying for the Members of the Executive Council, and I think on account of the increase in their number a larger number of saloons will be indented. The House will consider whether that is expedient in these days of war.

Regarding savings under other heads it was stated that they were due to the war. I think that was a satisfactory explanation and we accepted it.

Sir, with these observations, I resume my seat.

**Mr Lalchand Navalrai** (Sind Non-Muhammadan Rural) Sir, I have noticed a tendency to make unnecessary demands for supplementary grants. We have seen that when these demands are put before the House, many questions arise as to whether they are supplementary grants or whether they are necessary. I find that the attention of the Public Accounts Committee was drawn to that and on page 7 of Vol 1 of the Report we find this

"While we appreciate the reasons leading to the presentation of these supplementary demands and the reasons why expenditure did not eventually come up to expectations, we would stress that great care should be taken before supplementary demands are presented to the Assembly."

This really means that due care is not being taken and they give a warning for the future. Again they say

"We trust that the recommendations made in this regard in our Report on the Accounts for 1935-36 will not be overlooked."

Which presumably means that those recommendations of 1935-36 have not been carried out. Therefore, there is all the greater necessity for impressing upon Government that care should be taken about supplementary demands and no unnecessary demands should be made.

On page 4 of the Report the same question is referred to and we find that supplementary grants could not be fully utilised, one reason being, 'cancellation of the tours of Honourable Members of the Executive Council.' While I welcome this I think we should know how these tours have been curtailed, who are the Members who have curtailed them and who are enjoying them, etc. Formerly there were several saloons in which they toured. For a long time the House has been demanding that these saloons should be stopped and officers who go on tour should travel first class, even reserving the whole compartment if necessary. The last speaker says that four saloons are still reserved and he thinks they might be increased. We feel strongly that not only should there be no increase but those four saloons also should be stopped. Whenever we have asked for some little amenities like additional compartments on account of overcrowding, we have been refused on the

ground of war and even wagons are not given for movement of goods. But even in these days we find these saloons and we feel that these should be given for the use of the public. The other day while travelling I found that they have amalgamated two railways which arrived at the same time and the other train took the load of the first train also and it was overcrowded. And on complaint being made to the Divisional Officers the reply was that they could not help it. In these days of overcrowding I think these saloons should not exist.

I will then refer to the losses on strategic railways mentioned on page 7 of the Report. This is a question of accounting and there has been a difference of opinion with regard to this, some members of the Committee being of the view that it should be charged to the Defence Budget instead of to the general revenues. The conclusion reached is

"In view of the fact that the Defence budget is no longer a contract budget and that it will make no ultimate difference to the incidence of this expenditure whether it is included in the Civil or Defence side of the budget, we agree that there is no necessity to change the present procedure with regard to the accounting of these charges, at any rate during the war."

Now, this is what I would like the Honourable Member to explain. Why should there not be any difference, and why particularly not at a time of war? I, therefore, submit that when there is a difference of opinion on this point it should also be considered seriously by the House. I have nothing more to say, Sir.

**Dr. Sir Ziauddin Ahmad:** Sir, we on this side were very accommodating to the proposals of the Honourable the Leader of the House but we are sorry to notice that he did not consent to the conditions which we imposed while agreeing to his request that the discussion on Public Accounts Committee Report will also be postponed. Now, I come to the subject matter which we thought would not be discussed today. Of course I just got a copy of the Report of the Public Accounts Committee and we

**Mr. President:** (The Honourable Sir Abdur Rahim) The Report was circulated before.

**Mr. Lalchand Navalrai:** It was done at the last Session of the Assembly and we had forgotten.

**Dr. Sir Ziauddin Ahmad:** I was not here.

**The Honourable Sir Jeremy Raisman:** It was shown on the agenda for the last Session.

**Dr. Sir Ziauddin Ahmad:** Which we did not receive on account of our absence. Sir, we are thankful to the Members of the Public Accounts Committee for the excellent report which they have placed in our hands. There is one omission to which I thought I should draw the attention of the House. We expected that they would review the expenditure of the Supply Department. No doubt the Supply Department is outside the jurisdiction of the Standing Finance Committee because it is not a votable item, but

**The Honourable Sir Jeremy Raisman:** The Honourable Member is apparently under some misapprehension. Such expenditure as was incurred by the Supply Department was reviewed by the Committee. The fact

[Sir Jeremy Raisman]

that the Standing Finance Committee does not deal with it had nothing to do with it. The Military Accounts Committee dealt with the question of military supplies.

**Dr Sir Ziauddin Ahmad** I was coming to the Military Accounts Committee immediately, but the Military Accounts Committee does not cover all the items connected with the Supply Department.

**The Honourable Sir Jeremy Raisman** It covers part of the expenditure incurred by the Supply Department.

**Dr Sir Ziauddin Ahmad.** I refer to that part not covered by the Military Accounts Committee. But I thought that they would really discuss the economy that could be introduced by a better system of purchases, inspection.

**The Honourable Sir Jeremy Raisman** This was done.

**Dr Sir Ziauddin Ahmad** Not quite. It was discussed on the floor of the House. Now, this particular thing I wish they may do it in future because we really depend upon the Public Accounts Committee to scrutinize the expenditure of this very large expending department in the Government of India. They make purchases amounting to about rupees eighty crores per annum. This expenditure ought to be scrutinized by a Committee of this House and the only committee which is authorized to do so is the Public Accounts Committee, and I hope that they will take very great care to go into the details and the manner of expenditure in the Supply Department. We are all in favour of the war expenditure without limit, but at the same time we do impress that the taxpayer's money ought to be spent in a very economic manner and it is very desirable that we should have a certificate from the members of the Public Accounts Committee that the money has been spent in the most economical manner. For example, I would have very much liked the Public Accounts Committee to review the manner of inspection which is very very defective, because part time officers are employed—not permanent officers—to do this very important work of inspection. A review of this kind, therefore, would have been welcomed by the House.

The second system is the system of approval of specimens. This is also very defective and the Public Accounts Committee ought to have scrutinized this particular aspect as well. They are sent at present, as was pointed out on the floor of the House, to certain persons and they never come in time unless some background methods are adopted, and I suggest on the floor of the House that instead of one inspecting authority to pass these specimens, they ought to follow the system that we are following as regards examination papers, namely, that these specimens ought to be given a special artificial number so that the person who is really checking the specimen may not know from whom it has come, and there should be several authorities appointed to pass these specimens.

**Mr. President** (The Honourable Sir Abdur Rahim) I think the Honourable Member is not dealing with the Report.

**Dr. Sh. Ziauddin Ahmad.** Sir, I am dealing with the Report, but I am pointing out the omissions for future guidance.

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member should not speak on what the Public Accounts Committee ought to do. I think he had better confine himself to the Report.

**Dr. Sir Ziauddin Ahmad.** If these omissions are not pointed out now, they will not be dealt with even next time.

**Mr. President** (The Honourable Sir Abdur Rahim) I think the Honourable member can speak on that when the time comes.

**Dr. Sir Ziauddin Ahmad.** While commenting on the Report we should not only comment on what they did, but we should also comment on what they did not, and I am just pointing out what they did not do.

**Mr. President** (The Honourable Sir Abdur Rahim) Then the Honourable Member will be quite irrelevant. I think the Honourable Member must confine himself to the Report.

**Dr. Sir Ziauddin Ahmad.** Should I do it at the time the motion for election of Members of Public Accounts Committee is laid before the House and make a two hour speech?

**Mr. President** (The Honourable Sir Abdur Rahim) The only relevant question now is this Report and the Honourable Member must deal with it.

**Dr. Sir Ziauddin Ahmad.** Omissions of the Report are also relevant.

**Mr. President** (The Honourable Sir Abdur Rahim) No. There are heaps of things which have not been dealt with in the Report.

**Dr. Sir Ziauddin Ahmad.** They ought not to have been omitted. By rulings we are handicapped. Our mouths are shut up. We have got genuine grievances and if this is not the occasion, I wonder.

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member will get many occasions to make his suggestions as to what the Public Accounts Committee ought to do or ought not to do, but this is not the occasion.

**Dr. Sir Ziauddin Ahmad.** Sir, I thought when we discuss the Report, we could also.

**Mr. President** (The Honourable Sir Abdur Rahim) With reference to any questions dealt with in the Report, the Honourable Member can make his comments and remarks.

**Dr. Sir Ziauddin Ahmad.** Alright, Sir. Let us assume that our colleagues have been very perfect. They have reviewed every possible thing that they could possibly review, and then we confine our remarks only to what they have done and not to what they have not done. Of course, I abide by the ruling.

**Mr. President** (The Honourable Sa Abdur Rahim) If what they have not done is in connection with something they have dealt with, then the Honourable Member can point that out, but the Honourable Member cannot deal with the general duties and functions of the Public Accounts Committee now

**Dr Sir Ziauddin Ahmad** Now, I take up only those questions which have been discussed in this Report. On page 73—Appendix III—they discuss the maintenance of gardens connected with these archaeological monuments. Attention has been repeatedly drawn to this question, that the department is spending more money on gardens and less on the monuments themselves and I am glad that attention has been drawn to it by the Public Accounts Committee. The question also arises whether municipalities ought not to pay for the maintenance of the gardens, but whether they pay or do not pay, I think the Archaeological Department should not spend very large sums of money on the maintenance of gardens but should give preference to the maintenance of the monuments themselves.

I come now to page 77 of the Report where it says

"It has been decided that with effect from the current year, only a sum of Rs 45 lakhs from the profits from the circulation of small coin will be taken to Revenue and that any balance over this figure will be credited to a Suspense Account which will be available to even out the receipts over a series of years."

I do not know whether it is sound financial policy during the war. It may be correct in peace time. The attempt to build up a reserve is incorrect when the money is badly wanted for war purposes. In normal times the policy may be all right, but in these abnormal times when we have to tap all possible sources of income, it is not desirable to create any special reserve which might be useful when the war is over. Therefore, it is open to objection to create any suspense account for this particular item during the war.

Next, on page 37 of this Report, they discuss the loss on strategic lines, in reply the convention of 1921 was quoted that it was deducted from the contribution to general revenues. No doubt this convention was there but at the same time, it seems desirable that we ought to show somewhere in the budget that this is the additional sum which we give to the Defence Department. It is shown as a loss to revenue and not credited to revenue at all, but I think it is very desirable that it ought to come in the general budget and the amount spent on the strategic lines should be added to the budget of the Defence Department.

I come now to page 38—abandoned lines. The point was raised 'why the entire sum which had been overpaid to the officer was not recovered from him, in instalments if necessary.' I have not got a satisfactory reply to this question at all from the Public Accounts Committee or from the Honourable the Railway Member. Suppose a line is abandoned and given up altogether. There is a definite loss of capital. Where should it be debited? Should it be put in the account of the capital expenditure and reduce the capital at charge or should it be charged to the depreciation fund? No doubt the taxpayer will continue to pay the interest on the sum originally spent on these lines. The money has already been spent, and the taxpayer continues to pay the interest. In what way are you writing off? In the case of companies I understand you write off the



capital and the share value diminishes and the loss falls on the shareholders, but in this case on whom will the loss fall? The taxpayers continue to pay interest on this particular amount spent on abandoned line. How will this money be accounted for? I have not got a clear reply to this question. These things require clarification and I hope the Finance Member, when he gets up to reply, will explain how these sums will be accounted for.

The next point—on the same page—is about repayment of sums which were overpaid. A very interesting argument is given here—on page 38.

"But it was explained that the usual practice was that overpayments, if they were received by the Government servant concerned in good faith, were not recovered for more than a period of one year from the date the irregularity was discovered, as recovery for a longer period was considered inequitable. The Committee felt that *prima facie* these allowances were excessive and that the amounts paid and the justification for them should be re-examined by Government."

This is the first time I hear this argument, that if an officer has overdrawn any amount in good faith and if it is not discovered for one year, then the amount is written off. I have seen cases after cases when the amount is debited by the Accountant General—they have got another example of the same thing on another page, but I will refer to that later on—that they are now trying to recover a thing which was left unnoticed for the last 20 or 25 years. Does this policy that the Government have introduced in the case of servants in one particular branch of Government service apply to other departments? This requires elucidation. If we allow this principle to get through and accepted I think officers will not be so careful as they would be otherwise if this rule had not been in existence. Therefore, I do beseech the Finance Member that he should examine very carefully and see that this rule is not allowed to operate and that officers should be required to pay even if the mistake is not discovered within twelve months.

The next thing I wish to refer to is the question of sale of scrap iron to which attention has been drawn in page 39 of the Report. We have seen time after time the example of the North Western Railway where scrap iron was removed without payment and a committee of inquiry was appointed—we have not got their report—on the North Western Railway. The Public Accounts Committee has noted with satisfaction that at least in one case—the East Indian Railway—they have not allowed this scrap iron to be removed without actual payment of the value. That is one solitary instance where it was done and I am sorry that the Public Accounts Committee did not notice a large number of cases where scrap iron was removed and transferred to Japan and is now being used against ourselves—which was not paid for at all. I think this ought to have been examined more closely by the Public Accounts Committee because it is

one of the scandalous problems in connection with the sale of various articles by railways. The next question to which I would like to draw attention

**The Honourable Mr. M. S. Aney** (Leader of the House) It is now 5 o'clock.

**Dr P. N. Banerjee:** Yes, it is now 5 o'clock. I also want to speak.

**Mr. President** (The Honourable Sir Abdur Rahim) Very well. The House stands adjourned till 11 A.M. to-morrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 13th February, 1942.



## LEGISLATIVE ASSEMBLY

*Thursday, 12th February, 1942*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair

### MEMBER SWORN

Mr. Hugh Gabriel Stokes, M.L.A. (Bombay European)

### STARRED QUESTIONS AND ANSWERS

#### (a) ORAL ANSWERS

##### PROTECTION OF THE INDIAN MUSEUM, CALCUTTA AGAINST AIR RAIDS

13 \*Sir Abdul Halim Ghusnavi (a) Will the Honourable Member in charge of the Department of Education, Health and Lands, please state the steps which have been taken for the protection of the Indian Museum premises against aerial attacks? Is it a fact that the Trustees of the Indian Museum have been impressing upon the Government of India the necessity for providing special safeguards for the Indian Museum which is a store-house of highly inflammable collections, and possesses a priceless Library?

(b) Are Government aware that reports regarding the decision of the Government of India in connection with Air Raid Precautions at the Indian Museum were published in the Calcutta newspapers in June last and that, in spite of the repeated representations by the Trustees of the Indian Museum, no action has yet been taken? Are Government aware of the gravity of the situation, and will the Honourable Member be pleased to state what action they propose to take in the matter and when?

(c) Is it a fact that the Trustees of the Indian Museum have been pressing since 1928 the necessity of erecting a fire-proof spirit building for the storage of the highly combustible collections of natural history specimens preserved in spirit?

(d) Is it also a fact that the scheme was sanctioned as early as 1928 but the erection of the building has been postponed from year to year by Government for various reasons?

(e) Is it proposed to take up this work in the near future in view of the gravity of the situation?

**The Honourable Mr N R Sarker:** (a) and (b) All practicable steps for protecting the building and such of the contents as cannot be removed are being taken and the structural alterations necessary will shortly be completed. The measures taken include protection against blast and incendiary bombs and the provision of fire-fighting appliances. There has

been considerable correspondence with the Trustees but no Press State ment has been authorised by the Government of India

(c) and (d) Yes

(e) It is not proposed to construct a fire proof building near the Museum but to remove the inflammable natural history collections to another place the type specimens have already been removed from Calcutta

**Dr Sir Ziauddin Ahmad** Are the Government contemplating the removal of the valuable articles in the museum to some other place?

**The Honourable Mr N B Sarker** They have already been removed

**Dr Sir Ziauddin Ahmad** The Aligarh University offered to store for them during the war period any article which they would care to send

#### PRICE CONTROL OF WHEAT

**14 \*Sardar Sant Singh** (a) Will the Honourable the Commr of Mun ber please state whether the price of wheat has been controlled? If so, what is the rate at which it is controlled at Lyallpur? Is this rate maximum or minimum? If maximum, do Government intend to fix any minimum rate as well?

(b) Has this control been limited to the duration of the War? Will the Honourable Member be pleased to make a general statement of the Government of India's policy regarding the control of wheat prices for the benefit of the agriculturists as well as traders?

(c) Is the Honourable Member prepared to assure the country that the purchasing power of wheat will be maintained in terms of other commodities such as, textiles, etc., which the producers of wheat consume?

**The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar** (a) Yes, the rate at Hapur and Lyallpur has been fixed at Rs 4/6/- per maund. The rate is the maximum rate. The answer to the last part of the question is in the negative.

(b) The control has been imposed under the Defence of India Rules and will be continued as long as circumstances demand it. The policy of the Government of India in regard to price control is to regulate the prices of articles brought under control in the interests of all concerned.

(c) All relevant considerations are carefully considered before the maximum prices are fixed for any article.

**Dr Sir Ziauddin Ahmad** May I ask whether these prices are only for wholesale?

**The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar** These are the prices at the wholesale markets at Hapur and Lyallpur. The secondary wholesale markets and the retail markets will have their prices in accordance with these prices.

**Dr Sir Ziauddin Ahmad** May I know whether any steps have been taken by the Provincial Governments and particularly the province of Delhi to control the retail prices, because I understand that the retail prices are about 75 per cent higher than the wholesale prices.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** I believe, Sir, the Delhi province publishes the retail prices in the newspapers from time to time and to the best of my information the Chief Commissioner controls the retail prices.

**Dr. Sir Ziauddin Ahmad** Has he got any machinery to see that the prices which he fixes for retail sale are observed by the shop keepers?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** I should imagine so.

**Mr. Lalchand Navalrai** May I know whether instructions have been given to the Provincial Governments to fix the prices of these commodities?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** Those are the general instructions and I personally conveyed to them my wish in the matter when I met the representatives last week.

**Mr. Lalchand Navalrai** May I know if the fixation of these prices is left to the Provincial Governments or they are going to be controlled by the Centre?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** The fixation of the retail prices is left to the Provincial Governments but with reference to wheat we have appointed a Wheat Commissioner who is now engaged in the task of seeing whether the prices fixed by the Provincial Governments are in accordance with the wholesale prices fixed by the Government of India.

**Mr. Lalchand Navalrai** Do the Provincial Governments give information to the Central Government about the prices that they fix?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** They have been requested to do so and some of them have given information.

**Sardar Sant Singh** With reference to the reply to part (c) of the question, may I know whether the proportion of the price of wheat fixed is the same as the prices of other commodities such as textiles, etc., which are consumed by the agriculturists?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** It is a very difficult question to answer. In some cases the prices fixed for wheat are very much higher than the prices for other commodities. In other cases, the question of the fixation of prices is under consideration, particularly with reference to manufactured articles. As my Honourable friend knows, with reference to textiles the question of the standard cloth or utility cloth produced at reasonable prices, much below prevailing prices, is under consideration.

**Mr. Umar Ali Shah** I want to know what price control means and in the second place

**Mr. President** (The Honourable Sir Abdur Rahim) Is the Honourable Member in his place?

(The Honourable Member went back to his usual seat)

"The Honourable Member can now repeat his question"

**Mr Umar Aly Shah** I want to know what price control means. Then there are many taxes which the merchants have to bear. That is a very important aspect to be considered. I require an answer for these two points.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** Price control takes into consideration the maximum price beyond which commodities cannot be sold under certain circumstances. Whenever the maximum price is fixed, the authority fixing the price takes all the circumstances into consideration. The question of any tax to be paid by the wholesale merchant or the retail merchant is one of the factors that will be taken into consideration in fixing the maximum price.

**Dr Sir Ziauddin Ahmad** Will the Honourable Member draw the attention of the Provincial Governments to the fact that many merchants evade price control by mixing inferior quality of grain with the wheat?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** My Honourable friend has a question later addressed to my Honourable colleague about the adulteration of foodstuffs.

#### STABILISATION OF *Desi* COTTON AND OILSEEDS PRICES

**15 \*Sardar Sant Singh** Will the Honourable the Commerce Member please state whether the attention of Government has been drawn to the deterioration in prices of *desi* cotton and oilseeds in India? If so, what steps do Government propose to take to stabilise the prices of these commodities for the benefit of the producers?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** The Government of India are constantly watching the movement of prices in cotton and oilseeds. In the case of short staple cotton the Honourable Member would have noticed the Cotton Fund Ordinance that has been issued constituting a fund for financing in co-operation with the Governments of the Provinces and States concerned, of measures designed to assist the cultivator to change over from short staple cotton to other more useful crops, whether cottons of longer staple or entirely different crops, preferably food grains.

As for oilseeds I would draw the attention of the Honourable Member to the Government of India's Resolution No. 86-C W (3)/41, dated the 6th September 1941, announcing the measures that have been taken to relieve the groundnut situation in India.

**Sardar Sant Singh** May I know if any step has been taken to raise the price of oilseeds like *thoria* and *sarsun*?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** I am afraid I am not in a position to answer the question. I do not know what those oilseeds are.

**Sardar Sant Singh** *Sarsun* and *thoria* are well known products from Lyallpur.

**The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar:** The Government of India's attention has not yet been drawn to the question of the prices of these oilseeds. They will look into it.

#### SIKH EMPLOYEES IN THE SURVEY OF INDIA DEPARTMENT

**16 \*Sardar Sant Singh.** Will the Honourable Member for Education, Health and Lands, be pleased to lay on the table a statement showing the following information:

- (a) the number of employees in the Survey of India Department, both officer class and subordinate class,
- (b) the number of Sikhs in those classes of service in that Department,
- (c) the posts reserved for various communities in the last recruitment, and
- (d) how Government propose to make up the deficiency of Sikh employees in the cadre of the Survey of India?

**The Honourable Mr N R Sarker:** (a), (b), (c) and (d). A statement giving the information asked for is laid on the table of the House.

*Statement regarding the number of officers and subordinates in the Survey of India on 1st January 1942, the number of Sikhs in each class and the posts reserved for various communities in the last recruitment*

(a), (b) and (c)

Name of Service	Total number of employees	Total number of Sikhs	Posts reserved for various communities in the last recruitment
<i>Survey of India</i>			
Classes I and II	107	3	The posts in the class I Service are filled by transfer from the Army and by promotion from Class II. In the last recruitment to the Class II Service 2 posts as required by the roster were reserved for Muslims and 1 for Anglo Indians or Dominated Europeans.
General Central Service Classes I and II	12	Nil	These are isolated technical posts for which special qualifications are required.
Upper Subordinate Service	77	3	As required by the roster 2 posts out of 4 were reserved for Muslims.
Lower Subordinate Service	1,614	43	Recruitment to this service is direct, it is continuous, being made as and when necessary, and the orders regarding communal reservation are observed.

(d) In the rules governing recruitment to the services comprised in the Survey of India no proportion is laid down for Sikhs, as distinct from other non-Muslim minorities, and no question of making up a deficiency arises. In the Survey as a whole Sikhs at present hold posts in excess of the number to which on a population basis the community could lay claim.

It is open to Sikh candidates to obtain unreserved vacancies by merit. As regards reserved vacancies, it is not the policy of the Government of India to distribute the reservation of 8½ per cent for the minority communities other than Muslims in any fixed proportion and when it is the turn of a candidate belonging to these communities the most meritorious candidate of these communities is taken. Government do not consider it necessary to devise any special steps for increasing the representation of Sikhs in the Service of India.

#### APPLICABILITY OF THE ATLANTIC CHARTER TO INDIA

17 **\*Mr Lalchand Navalrai** (a) Will the Honourable the Leader of the House be pleased to state if his attention has been drawn to the recent statement of the Right Honourable Mr L C M S Amery, Secretary of State for India, to the effect that the principle with regard to India was in accord with the principles of the Atlantic Charter? If so, does the Atlantic Charter itself, in whole or in part, apply to India? If not, which principles applying to India are in accord with the Atlantic Charter?

(b) Will the principle of freedom, enunciated in the Atlantic Charter for other countries, hold good in the case of India?

(c) Have the Government of India asked the British Government to give Dominion Status to India at a fixed time after the War? If so, what time has been fixed upon?

(d) Has the expanded Council of the Government of India asked the British Government for any further advances in the constitution for India? If so, which, and what response have the British Government made?

**The Honourable Mr M S Aney** (a) I think the Honourable Member must be referring to the following statement by the Secretary of State

"Government will not abate their efforts to promote that measure of agreement which is essential to the fulfilment of their pledges in India, pledges which, though given independently of the Atlantic Charter are in complete accord with the general principle affirmed in that Declaration."

The Honourable Member may place his own interpretation upon this statement. The last part of this portion of his question does not arise.

(b) The Secretary of State has made it clear that His Majesty's Government's policy as to India's future "is in entire harmony" with the Atlantic Charter.

(c) and (d) I am unable to disclose the nature of any confidential correspondence between the Governor General in Council and the Secretary of State.

**Mr Lalchand Navalrai:** How is that in harmony with what the Secretary of State has said?

**The Honourable Mr M S Aney:** I have no doubt that if my Honourable friend will read once more the Atlantic Charter and compare it with the terms in which pledges to India were given he will find that the pledge is in harmony with the Atlantic Charter.

**Mr Lalchand Navalrai:** According to the Atlantic Charter freedom is being given to various countries. Is freedom being given to India also?



**The Honourable Mr. M. S. Aney** Under what conditions freedom is being given to those countries?

**Mr. Lalchand Navalrai** I would like to know from the Honourable Member whether the Charter is now in force?

**The Honourable Mr. M. S. Aney** I will again ask the Honourable Member to read the Charter very carefully so that he may find when the freedom can be had

**Mr. Lalchand Navalrai** I have read it and I want its interpretation from the Honourable the Leader of the House

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable the Leader of the House has given his interpretation

**Mr. Lalchand Navalrai** May I ask if the interpretation is that the Charter and the statements of the Secretary of State or the Premier are not in harmony inasmuch as India is not being given her freedom or a better constitution?

**The Honourable Mr. M. S. Aney** I do not understand what the Honourable Member is driving at. My reply was that the pledges are based on the same principles which are enunciated in the Atlantic Charter

**Sardar Sant Singh:** May I know from the Honourable the Leader of the House what the Government means by 'the same pledges'? In the case of the Atlantic Charter the freedom is to be given after the countries mentioned therein have been made free from the German yoke or after the German occupation of those countries is over?

**The Honourable Mr. M. S. Aney** When will it be over?

**Sardar Sant Singh:** That I do not know, it lies in the hands of the Fate. The question is that India has not been overrun by German invaders and therefore the same principle can hardly apply to her

**Mr. President** (The Honourable Sir Abdur Rahim) It is a matter for debate

**Sardar Sant Singh.** What is the meaning of the same principle?

**The Honourable Mr. M. S. Aney** I am unable to explain the Plain meaning of the simple expression used there. It is rather difficult for me to make it more clear. I can only repeat that the Honourable Members ought to be satisfied with the clear enunciation of the position made by the Secretary of State when he responsibly states that the principle of the pledges is in entire accord with the Atlantic Charter. The House ought to be satisfied with this position

**Mr. N. M. Joshi:** If there is no disharmony between the terms of the Atlantic Charter and the terms of the statement of His Majesty's Government, why not pacify the Indian people by making the Atlantic Charter applicable to India as well?

**The Honourable Mr M S Aney** I think the Honourable Member is aware that India is a signatory to the declaration in which the Atlantic Charter is also reiterated

**Maulana Zafar Ali Khan** Will the Honourable Member inform me whether it is likely that the Atlantic Charter also went down to the bottom of the sea with the ship on which it was signed?

**The Honourable Mr M S Aney** Not the Charter. I am sure

#### DELIBERATIONS OF THE CONSULTATIVE COMMITTEE OF ECONOMICS

**18 \*Dr Sir Ziauddin Ahmad.** (a) Will the Honourable the Commerce Member please lay on the table a copy of the deliberations of the Consultative Committee of Economics held in January 1942?

(b) What is the opinion of the Consultative Committee about the absorption of War Technicians in the post-war economic problem of India?

(c) What advice has the Consultative Committee given about the stability of the Indian industries established during the war?

(d) What will be the financial resources for the future reconstruction of India?

**The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar** (a) I am afraid I cannot accede to the request made by the Honourable Member, as the deliberations of the Consultative Committee of Economists are confidential, at this stage

(b) and (c) It follows from my reply to paragraph (a) of the question that I am not in a position to disclose the information desired by the Honourable Member

(d) I think it is premature to estimate the financial resources required for the future reconstruction of India

**Sardar Sant Singh** May I know if after some time the result of the deliberations will be made known to this House?

**The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar** Certainly, Sir

**Dr Sir Ziauddin Ahmad** With reference to part (b) of the question, I would like to know what would be the future of these war technicians after the war is over? Is the Government in a position to say something about it?

**The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar** Not at the present time but that very question is under consideration both by the Government and the Consultative Committee

**Dr Sir Ziauddin Ahmad:** Which is this Consultative Committee?

**The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar** It is the Consultative Committee of Economists and other Consultative Committees which will shortly be meeting

**Dr Sir Ziauddin Ahmad.** Is the Honourable Member also taking the Labour Department into his confidence because that Department is also considering a similar scheme?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar.** The Labour Department is represented on that particular Reconstruction Committee which will be shortly meeting.

**Mr N. M. Joshi.** May I ask whether the Indian labour is adequately represented on the Consultative Economic Committee?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar.** No, Sir. The Indian labour will be adequately represented on the Reconstruction Committee which will deal with labour and demobilization problems.

**Mr N. M. Joshi.** But why not on this Consultative Committee of economic matters?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar.** For the simple reason that I have yet to learn that labour is good at evolving economic principles or adapting the economic principles to actual conditions.

**Mr Muhammad Azhar Ali.** May I ask whether these war technicians will be in permanent Government service or they are holding temporary appointments?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar.** The war technicians who are recruited by Government are in temporary service in the various ordnance factories where they are working. The question is how they will be absorbed and in what service they will be absorbed at the end of the war when they will be no longer required for the particular service which they are doing now. That question is under consideration by the Reconstruction Committee and the Government.

**Mr. President** (The Honourable Sir Abdul Rahim) Next question

**Dr Sir Ziauddin Ahmad.** May I ask supplementary questions? Is it not the case that the recruitment of the war technicians will be very much facilitated if the Government were to give them to understand now as to how they will be absorbed after the war?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar.** That involves the solution in advance as to how they can be absorbed. I believe Press communiques have already issued to the effect that the question of readjusting them to normal civil labour conditions is under the close examination of the Government. It may involve a further period of training after the war is over of these very war technicians. That also, I believe, has been stated.

**Mr. President** (The Honourable Sir Abdul Rahim) Next question

(Dr. Sir Ziauddin Ahmad wanted to ask more supplementary questions which the Honourable the President did not allow)

**Dr Sir Ziauddin Ahmad** I do not propose to ask the other questions standing in my name

†19\*—21\*

#### APPLICABILITY OF THE ATLANTIC CHARTER TO INDIA

**22 \*Mr Govind V Deshmukh** Will the Honourable the Leader of the House please state

- (a) if the proceedings of the debates on the resolutions about the Atlantic Charter in both the Houses were forwarded to His Majesty's Government, if so, with what result
- (b) if his attention has been drawn to the interview of Sir R. K. Shammukham Chetty with President Roosevelt of the United States of America published on the first page of the *Nagpur Times* of the 6th January, 1942 under the caption "Atlantic Charter applies to India" Chetty's interview with Roosevelt and
- (c) if he is now in a position to state that the Atlantic Charter is applicable to India?

**The Honourable Mr M S Aney** (a) Yes Sir, no reply has yet been received

(b) I have seen the newspaper report referred to

(c) I would remind the Honourable Member that the Secretary of State has repeatedly made it clear that His Majesty's Government's policy towards India is in entire harmony with the Atlantic Charter, and that their pledges in India, though given independently of the Atlantic Charter, are in complete accord with its general principle

**Mr Govind V Deshmukh** May I ask whether these proceedings were forwarded with any recommendations or remarks?

**The Honourable Mr M S Aney** The whole debate was forwarded in accordance with the promise that was given to this House

**Mr Govind V Deshmukh** Was it forwarded with any remarks or recommendations?

**The Honourable Mr M S Aney** I am unable to disclose anything further

**Mr Govind V Deshmukh** I do not want to know the nature of the remarks. All I want to know is whether any remarks or recommendations were made on those proceedings?

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†These questions were not put by the questioner

**The Honourable Mr. M S Aney:** Whatever pertains to be the proceedings of the Executive Council will always remain secret. Whether anything was done or not is also a part of the proceedings which must remain confidential.

**Mr Govind V. Deshmukh:** In view of the fact that no answer was received did the Government of India send any reminder?

**The Honourable Mr. M S Aney:** Not yet. In these times replies take a long time.

**Mr Lalchand Navalrai:** May I know if the Government of India have intimated to the British Government or to the Secretary of State that this Atlantic Charter is in harmony with what the Secretary of State has said?

**The Honourable Mr. M S Aney:** I have already answered that question.

**Mr Lalchand Navalrai:** What I am asking is whether the Government of India have expressed their opinion to the British Government?

**The Honourable Mr. M S Aney:** They have not yet felt the necessity of it.

**Lieut-Colonel Sir Henry Gidney:** Will the Honourable Member in order to pacify those who are inquiring, advise the British Government to change the name from the "Atlantic Charter" to the "Pacific Charter"?

(No answer.)

#### AIR RAID CASUALTIES AMONGST INDIANS IN RANGOON, MOULMEIN AND TAVOY

**23 \*Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Indians Overseas be pleased to state the number of Indians who had been killed, wounded and hurt, respectively, by air raids on different dates on which Japanese raids over Rangoon, Moulmein and Tavoy took place?

(b) Will the Honourable Member be pleased to state the number of such wounded and hurt Indians who have been brought back to India? How many of these men were Bengalis and people of other Provinces of India, respectively? Were there several ladies amongst the Indians brought from Burma as wounded and hurt? If so, what was their number?

(c) Will the Honourable Member be pleased to state the number of children and minor young persons who were fatally wounded, wounded and hurt and how many such children and minor young persons have been brought back to India?

(d) Will the Honourable Member be pleased to state the number of Indians who have been repatriated with their families to their respective Provinces in India?

(e) How many Indian families have been totally ruined by air raids in Burma?

**The Honourable Mr M S Aney** (a) to (e) Efforts are being made to collect such information as may be available and Government will lay a statement on the table of the House when it has been collected

**Pandit Lakshmi Kanta Maitra** Is it under contemplation to give some compensation to people who are rendered homeless by means of air raid for want of adequate protection by the Government of Burma?

**The Honourable Mr M S Aney** The suggestion will be considered

**Lieut Col Sir Henry Gidney** Will the Honourable Member inform this House whether or not adequate medical arrangements have been made for attendance on those who have been wounded or who have been sent to country from Burma?

**The Honourable Mr M S Aney** Arrangements have been made and to the best of the knowledge of the Government they are adequate

**Pandit Lakshmi Kanta Maitra** Are steps that are being taken to evacuate Indian families from Burma still in progress?

**The Honourable Mr M S Aney** They are being taken

**Mr Lalchand Navalrai** May I know from the Honourable Member whether there is any objection in giving out the information that the Honourable Member has got up to now instead of waiting for complete information being obtained?

**The Honourable Mr M S Aney** The detailed information which my Honourable friend, Mr Amarendra Nath Chattopadhyaya, asks for will require sometime for its collection. Other information will be duly given to the Honourable Member when his question will be put on the 17th instant, as I promised yesterday

#### RUMOURED QUISLING GOVERNMENT IN MALAYA AND CONDITION OF INDIANS IN THE FAR EASTERN WAR ZONE

**24 \*Mr Amarendra Nath Chattopadhyaya** (a) Is the Honourable Member for Indians Overseas aware of any rumour of the temporary establishment of a quisling Government in Malaya called "Free Malaya" by Japan and that a Bengali has been made a Governor there? If so, will he please make a statement on the matter on the floor of the House?

(b) Is the Honourable Member aware of any rumour afloat in India that the Indian Army had turned against the British in Malaya battles, on account of want of proper protection against the air force of Japan? If so, will he make a statement regarding the matter?

(c) Will the Honourable Member be pleased to state the present condition of Indians in Thailand, Singapore Malaya, Sumatra, Java and Borneo?

**The Honourable Mr M. S. Aney** (a) Government have seen references in the press presumably based on Japanese broadcasts, to one Mr Sathyananthu styled Japanese High Commissioner for Penang, but are not in a position either to confirm or deny the report. The individual, however, does not appear to be an Indian.

(b) Government are not aware of any rumour to the effect that the Indian Army had turned against the British in Malaya on account of lack of proper air support but as lies of this nature may be broadcast by the enemy I am authorised to state that in the Far East no less than in other theatres of war, Indian troops have lived up to the best traditions of the Indian Army and that any allegations of desertions by them whether in Hong Kong or in Malaya, are absolutely baseless and should be dismissed as false calumnies on our gallant men.

(c) Government are making every effort to get information.

#### PROCEDURE FOR CIRCULATION OF BILLS FOR ELICITING OPINION THEREON

**25 \*Qazi Muhammad Ahmad Kasmi** (a) Will the Honourable the Leader of the House please state the method adopted in circulating Bills for eliciting opinion thereon?

(b) Are the Bills sent to any specified class of persons affected by the Bills, or is the matter left to the discretion of the Provincial Governments who in turn leave the discretion to District Magistrates?

(c) Are Bills sent to the various Bar Associations in India or not?

(d) If the answer to part (c) be in the negative, have Government considered the advisability of issuing instructions to send them to various Bar Associations in view of their representative capacity in respect of legislation?

(e) What procedure is to be adopted by the persons—to whom copies of the Bills are not sent and who want to express their opinion—for communicating their views to the Legislative Assembly?

**The Honourable Mr M. S. Aney** (a), (b) and (c) When Bills are circulated by the direction of the Legislative Assembly, the Government of India do not obtain opinions on them direct but through the agency of the Provincial Governments and Administrations who are given full discretion to consult such officers and other persons as they think fit. The Provincial Governments and Administrations are, however, enjoined that the persons and bodies consulted by them should be selected with care so that the body of opinions received may be compact, representative and helpful.

(d) No such instructions are called for as the Government of India have no doubt that the Provincial Governments and Administrations already bear in mind the desirability of consulting the various Bar Associations on Bills in which they are interested.

**Pandit Lakshmi Kanta Maitra** Is it the position of the Government of India that they have compiled an exhaustive list of organisations to which Bills are to be sent for eliciting public opinion?

**The Honourable Mr M S Aney.** If the Honourable Member had listened to the reply I gave, he would have seen that the Government of India do not do anything direct. They ask the Provincial Governments to do this. The Provincial Governments may or may not maintain such a list.

**Pandit Lakshmi Kanta Maitra** If new names are to be added to the list for consultation, then are the Provincial Governments concerned to be approached and not the Government of India direct who are responsible for eliciting public opinion?

**The Honourable Mr M S Aney** That is so.

**Pandit Lakshmi Kanta Maitra** Do I take it that when the Government of India want to elicit public opinion on a particular Bill, they have no initiative in the matter except forwarding it to Provincial Governments?

**The Honourable Mr. M S Aney** The fact that they forward the Bill to the Provincial Governments is a matter of initiative, I believe.

**Qazi Muhammad Ahmad Kazmi** Is the Honourable Member aware that some of the Provincial Governments are not at all in the habit of consulting Bar Associations? For example, the United Provinces Government do not send the Bills to any Bar Association, even the Advocates Association of Allahabad High Court is never consulted on any of the Bills that are sent for circulation, while other Provincial Governments do. Will the Honourable Member consider the advisability of asking the opinion of the Provincial Governments on this matter and instructing them that eminent Associations of Advocates should be consulted in all matters of these Bills?

**The Honourable Mr M. S Aney** The Government of India will communicate this expression of opinion here to Provincial Governments concerned so that they may take necessary steps not to repeat the mistake again if there is any mistake at all.

**Qazi Muhammad Ahmad Kazmi** Probably with approval.

**The Honourable Mr. M S Aney** Yes, in matters in which they are interested.

**Pandit Lakshmi Kanta Maitra** Will the Government of India issue similar instructions to Provincial Governments while they send Bills for eliciting public opinion that the Provincial Governments should consult as many organisations as possible in this matter? If a suggestion like that is conveyed to Provincial Governments concerned, then I think the purpose of having these Bills sent for eliciting public opinion may be better gained.



**The Honourable Mr M S. Aney** My own experience is this. In the body of opinions which we generally receive, we find the opinions of Bar Associations are mentioned. Therefore, it is not as a general rule that Bar Associations are ignored. But if there is any such case, then it is a matter to which we can draw the attention of the Government concerned.

**Mr. Lalchand Navalrai** May I know from the Honourable Member if those persons who are not asked to give opinion can send that opinion to the Provincial Governments?

**The Honourable Mr M S. Aney** Yes, certainly.

My attention is now drawn to the fact that I have not given reply to part (e) of the question. In order to obviate the necessity of some other questions being put, I shall read out the answer to part (e).

"(e) To enable persons who are not officially consulted but who wish to express their opinion on a Bill which has been circulated for opinion, the Provincial Governments are required to publish the Bill with the Statement of Objects and Reasons in their Official Gazettes in English and in such other languages as the Provincial Government may deem proper with a note that the Bill has been circulated for the purpose of eliciting opinion thereon and that any person or public body desiring to submit an opinion on the Bill should do so through the Provincial Government only. In the case of Administrations which have no Official Gazette of their own they are required to issue a Press Note on the lines of the note indicated above."

#### NATIONAL SERVICE TECHNICAL PERSONNEL ORDINANCE 1940 AND DISCRIMINATION BETWEEN EMPLOYER AND EMPLOYEE

**26 \*Mr N M Joshi** Will the Labour Secretary be pleased to state

- (a) whether it is a fact that according to section 13 of the Ordinance II of 1940 (National Service Technical Personnel Ordinance 1940) permission of the Tribunal is necessary to enable an employee to leave his employment, while the employer is required only to give fifteen days previous notice to the Tribunal,
- (b) why this discrimination is made between the employer and the employee,
- (c) whether cases have occurred in which employees have been discharged or dismissed by the employers and in which tribunals have pleaded inability to prevent wrongful discharge or dismissal,
- (d) whether the tribunal possesses power to prevent wrongful discharges or dismissals, and if so, under which section, and
- (e) whether Government propose to amend the Ordinance suitably to place the employer and the employee on equal terms?

**Mr H. O. Prior:** (a) Yes provided the employee is a person included in the definition of 'technical personnel' under the Ordinance.

(b) The object of the Ordinance is to control the employment and distribution of technical personnel so as to ensure that it is used to the best advantage of the war effort. If this object is to be attained, it is essential that technical personnel should not be able to give up their posts at will, but under a recent amendment to the Ordinance, when a Tribunal refuses permission to a person included in the definition of 'technical

personnel' to leave his employment, the Tribunal may lay down the terms of service on which the employer shall continue to retain the man in employment and after such an order has been passed the employer may not discharge or dismiss the man without the previous permission of the Tribunal. The position of the employer is different. Owing to increasing industrial activity and a growing shortage of technical personnel, the tendency of the employer is to hold such technical personnel as he has, but if for any reason he does wish to discharge a man the notice given to the Tribunal is likely to enable the Tribunal to find the man other employment.

(c) Government have no information on the point

(d) Yes, but only to the limited extent indicated below

(i) if a person included in the definition of technical personnel' is placed in employment in the national service by the Central Government or a Tribunal, the employer may not discharge or dismiss him without the permission of those authorities [*vide* sections 7(2) and 10(5)],

(ii) as indicated in the answer to (b) above

(e) For the reasons I have already given, an amendment on the lines suggested is not considered necessary

**Mr N M Joshi** May I ask whether on account of the amendment made in the Ordinance the employer and the employee have been put on exactly equal terms?

**Mr H C Prior** No, not exactly

**Mr N M Joshi** Why should there be this discrimination about the obligation placed upon the employer and that upon the employee?

**Mr H C Prior** I have tried to explain that in my answer to the main question

**Lieut-Colonel Sir Henry Gidney** Is it or is it not a fact that an amendment has recently been passed to the effect that if an employee in any concern which comes within the purview of this Ordinance desires to leave his job he can do so provided he is entering into a similar military appointment if it be on either a higher or a lower rate of pay?

**Mr H C Prior** No the amendment is not exactly to that effect

**Lieut-Colonel Sir Henry Gidney** Is there any amendment almost similar to what I have just stated?

**Mr H C Prior** The amendment is that technical personnel who wish to enter into military employment can be permitted by their Tribunal to leave their employment

**Mr N. M. Joshi** Will the Government of India make an inquiry to find out whether this inequality between the employer and the employee has caused hardship to the employee?

**Mr H C Prior** We do not think it has

**Mr. N. M. Joshi:** Will they make an inquiry to find out the facts, instead of giving their own views? Or, are they afraid of finding out facts?

**Mr. H. C. Prior:** We are not afraid of finding out facts

†27.\*

#### DEATH OF SIR RAGHAVENDRA RAU

**The Honourable Mr. M. S. Aney** (Leader of the House) Sir, before you take up other business I should like to have your permission to make a reference to the death of one of our colleagues which was, unfortunately omitted yesterday through inadvertence. Our late colleague, Sir Raghavendra Rau, was a Member of this House for a number of years as an Official Member. Most of us here were familiar with him and those who knew him well know that in him we had an officer of great ability and tact. In his capacity as Financial Commissioner for Railways many Members had to come into close contact with him and we found what a sound knowledge and thorough grasp of railway finance problems he had. I have no doubt much of the present financial position of the railways is largely due to the great ability that he brought to bear upon the solution of the many intricate financial problems pertaining to the railways. In him the House has not only lost a very useful Member but I have no doubt the Government of India have lost a very able officer. He was a man not only of ability but of character and on that account he was greatly respected by all sections of this House. I am sure the House deeply mourns his loss and I request that you, Sir, will communicate the sympathies of this House to the members of his family.

**Mr. President** (The Honourable Sir Abdur Rahim) I associate myself with what has been stated by the Honourable the Leader of the House with reference to the loss sustained by the death of Sir Raghavendra Rau. I knew him and I saw his work in the Assembly for several years and I endorse what has been said as regards the grasp he showed of the finance of the railways during the time he was a Member of this House. I shall communicate the sentiments expressed to the members of the bereaved family.

**Mr. Jamnadas M. Mehta** (Bombay Central Division Non-Muhammadan Rural) Sir, the House would like to join in this tribute and the sentiments expressed.

**Mr. President** (The Honourable Sir Abdur Rahim) It is not necessary under the convention. He was an official Member and the Leader of the House has expressed his grief.

**Mr. Jamnadas M. Mehta:** Why should an exception be made here? In all other references the House is allowed to join.

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†This question was not put by the questioner

**Mr President** (The Honourable Sir Abdur Rahim) The convention is that the Leader of the Party to which the Member belonged is to speak, and the Leader of the House. In this case the Leader of the House is also the Leader of the Party, *viz*, the Government, to which the Member belonged. That is the convention and the Chair has to carry it out.

**Mr Jamnadas M Mehta** The Leaders of Parties would all like to join. This exception is most exceptional.

**Mr President** (The Honourable Sir Abdur Rahim) That is the convention and the Honourable Member must respect it. The convention was arrived at in 1937.

### MOTIONS FOR ADJOURNMENT

#### ARREST AND DETENTION OF MR. SARAT CHANDRA BOSE

**Mr President** (The Honourable Sir Abdur Rahim) I have received notice of a motion of adjournment from Mr A C Datta who wants to discuss an urgent and definite matter of public importance, namely, "the arrest and detention of Mr Sarat Chandra Bose". I think Mr Bose was arrested and is detained under the Defence of India Rules. Was it done under orders of the Government of India?

**Mr Akhil Chandra Datta** (Chittagong and Rajshahi Divisions Non-Muhammadan Rural) Yes, Sir.

**The Honourable Sir Reginald Maxwell** (Home Member) Sir, this was an order passed in the ordinary administration of the law and therefore, I submit that it is covered by your previous rulings on the subject which were reaffirmed on the 29th November 1940.

**Mr President** (The Honourable Sir Abdur Rahim) I do not think this is a case which can be said to be covered by the doctrine relating to ordinary administration of law. A question like this is analogous to cases which have been dealt with by this House on an adjournment motion relating to persons arrested under Regulation 3 of 1818. The phrase ordinary administration of law, I might explain to the House, refers to cases where a person is arrested or detained under an ordinary process of law, for instance, by a magistrate or any other similar authority. Here what is complained of is an act of the Government of India itself. No doubt the Government of India are acting under a certain law. All acts of the Government of India are under particular laws, for instance, the Act of 1935, from which they derive all their powers. But that is no answer to a motion like this. Is there any other objection to leave being granted, apart from that point of order?

**Mr Akhil Chandra Datta** Sir, I thank you for your ruling. But I hope and trust that not only the question of Mr Bose's transfer from Trichinopoly but also the question of his release is engaging the serious attention of Government, and, therefore, I believe that in the best interests of Mr Bose himself I should not move this motion.

**The Honourable Sir Reginald Maxwell:** I should like to object to the discussion of this motion

**Mr President** (The Honourable Sir Abdur Rahim) In any case he is not moving it

**BANNING OF THE HINDU MAHASABHA SESSION AT BHAGALPUR.**

**Mr President** (The Honourable Sir Abdur Rahim) The next motion is also in the name of the same Honourable Member who wants to discuss 'the failure of the Government of India to interfere with and turn down the order of the Government of Bihar banning the session of the Hindu Mahasabha which was proposed to be held at Bhagalpur in the last week of December, 1941'

How can this Government interfere with an order of the Provincial Government? The Provincial Government, I take it, is the Governor as there is no Ministry functioning there now And I suppose it was an order of the Governor passed in his discretion, and the Government of India have no power to interfere Have you applied for the consent of the Governor General?

**Mr Akhil Chandra Datta** Yes, Sir, I have applied for the consent of the Governor General to move this motion

**The Honourable Mr M S Aney** (Leader of the House) Have you got

**Mr Akhil Chandra Datta** I have not got the reply so far

**The Honourable Mr M S Aney** You know it cannot be moved without his consent

**Mr Akhil Chandra Datta** I admit that

**The Honourable Mr M. S. Aney:** As he has not got the permission at this stage, you have no option but to rule it out

**Mr President** (The Honourable Sir Abdur Rahim) Was the order passed under section 144 of the Criminal Procedure Code?

**The Honourable Sir Reginald Maxwell:** It was passed under section 56 of the Defence of India Rules

**Mr Akhil Chandra Datta** I think we have got to wait for the reply

**Mr. President** (The Honourable Sir Abdur Rahim) When did you apply?

**Mr Akhil Chandra Datta:** I applied day before yesterday

## LATHI CHARGE ON SIKH RELIGIOUS CONGREGATION BY THE DELHI POLICE.

**Mr President** (The Honourable Sir Abdur Rahim) Then I take up the next one in the name of Sardar Sant Singh. He wishes to move a motion for adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely, "the sacrelege committed by the Delhi Police on the 28rd November, 1941, in entering into the *shamiana*, where Guru Granth Sahib was installed and in lathi charging and firing tear gas on the peaceful and religious congregation of the Sikhs and trampling under horse's hoofs the ladies and children gathered there for worship."

This is worded in very general terms, and I should like to know whether any injuries were inflicted on anybody.

**Sardar Sant Singh** (West Punjab Sikh) Two children died as a result of injuries and several ladies were injured.

**The Honourable Sir Reginald Maxwell** Only one child died.

**Mr President** (The Honourable Sir Abdur Rahim) Has any complaint been made to the authorities concerned?

**Sardar Sant Singh** Several complaints were addressed to the Government of India by the Gurudwara Committee.

**Mr President** (The Honourable Sir Abdur Rahim) Why not to the Magistrate?

**Sardar Sant Singh**: It was a police action. No Magistrate will take any action on it.

**Mr President** (The Honourable Sir Abdur Rahim) Do you mean to say that no complaint would be entertained about the conduct of the Police?

**Sardar Sant Singh** But this action of Delhi Police was the result of a communiqué issued by the Delhi Administration.

**Mr President** (The Honourable Sir Abdur Rahim) What I mean is this. Supposing the Police in discharging their duties have exceeded their rights under the law and inflicted injuries on persons, then surely, action lies against the Police in the Court of Law.

**Sardar Sant Singh** This action was probably taken under the Defence of India Rules.

**Mr P J Griffiths** (Assam European) Not the causing of injuries.

**Sardar Sant Singh** They could not cause injuries under the Rules, but at the same time the position is very serious. A religious gathering has been invaded by the Police under a communiqué issued by the Delhi

Administration, which I will read when I discuss it. The result of that was that they fired tear gas on the peaceful audience and caused injuries with the result that, according to my information, two children died, and according to Sir Reginald Maxwell's information only one.

**Mr President** (The Honourable Sir Abdur Rahim) But why were not complaints made when there had been serious casualties owing to the action of the Police?

**Sardar Sant Singh** To whom should the complaints be made? The Police will not punish their Senior Superintendent.

**Mr President** (The Honourable Sir Abdur Rahim) Magistrate is not the Police.

**Sardar Sant Singh**. But no Magistrate has the courage to go against the wishes of police. My submission is this, that apart from complaints the position is very simple namely, that the Administration had no right to make an assault of this nature against a religious congregation.

**Mr President** (The Honourable Sir Abdur Rahim) That is not the question. The Honourable Member is complaining of the action of the Police in this case and, therefore, supposing the Police have acted unlawfully in the matter, surely action lies against them.

**Sardar Sant Singh**. No complaint was lodged against the Police. That is a fact.

**Mr President** (The Honourable Sir Abdur Rahim) The difficulty which I am feeling is this. Supposing in any case the police commits excesses—there are lots of complaints made every day—this is not the forum to discuss a matter like that as otherwise we will have to sit as a Court.

**Sardar Sant Singh**. My submission is this. It is not a question of complaining against a particular officer. It is a question that this House has got every right to look into.

**Mr. President** (The Honourable Sir Abdur Rahim) If your allegation be that the Government ordered the Police to act in the particular way you are alleging, then it would be a matter for this House. But that is not your allegation.

**Sardar Sant Singh**: That is the allegation.

**Mr President** (The Honourable Sir Abdur Rahim) You mean the Government ordered the Police to trample upon the ladies and children.

**Sardar Sant Singh**: The Government ordered the Police to go round and make a cordon, and as a result the Police actually assaulted the peaceful congregation. I think this House has been taking action by adjournment motion against lathi charges and such other acts that have been taking place under the orders of the Government.

**Mr President** (The Honourable Sir Abdur Rahim) Very well, I understand your case

**Mr Jamnadas M Mehta** (Bombay Central Division Non-Muham-madan Rural) Sir, I submit that the order given to the Police to resort to lathi charge is in itself a subject matter for discussion

**Mr President** (The Honourable Sir Abdur Rahim) The action complained of was by the Police but not under the Government's order

**The Honourable Sir Reginald Maxwell** Sir, I might bring to your notice the fact that a Resolution on this subject standing in the name of Dr Banerjee will come up first on the 19th of February according to the ballot

**Mr. President** (The Honourable Sir Abdur Rahim) That will be anticipating the question

**Sardar Sant Singh** Sir, will you please hear me before giving your ruling? I have got authorities on this point

**Mr. President** (The Honourable Sir Abdur Rahim) On what point?

**Sardar Sant Singh** On the objection raised by the Honourable the Home Member The point is this that there is no prospect of that Resolution coming up for discussion as it has been held in a ruling

**Mr. President** (The Honourable Sir Abdur Rahim) Why do you say there is no prospect?

**Sardar Sant Singh** It is third Resolution

**Mr President** (The Honourable Sir Abdur Rahim) It is the first and the second

**Sardar Sant Singh**. I beg your pardon It is not first and second The first is about Bengal administration of Income-tax

**Mr President** (The Honourable Sir Abdur Rahim) Yes, I find that Dr Banerjee's Resolution regarding Income tax is first and after that he has got another which is

**Sardar Sant Singh** My submission is this, Sir Supposing the Resolutions put down for today remain unfinished and are carried over to the 19th—the next day for Non-Official Resolutions—then I shall have to take the risk which is not permissible under the ruling given by the Chair on the 10th March, 1928 This ruling which was given on the motion of Mr Jinnah moving for an adjournment of the business of the Assembly to discuss the Government's announcement regarding the Sandhurst Committee

**Mr. President** (The Honourable Sir Abdur Rahim) The principle is that if there is uncertainty the Chair will allow the motion



## MOTIONS FOR ADJOURNMENT

**Sardar Sant Singh.** Sir, I will read the relevant portion of the ruling

‘It might be argued, though it has not been argued, that Mr Jinnah might put down a motion even now on the army estimates, but the answer to that argument is that, no one could say with any degree of certainty that the motion would be reached. It may or may not be that if a notice of motion is given by Mr Jinnah it will be reached either on Thursday or on Friday or will be reached at all. There is no reason why the Honourable Member should take any risk.’

**Mr. President** (The Honourable Sir Abdur Rahim) I follow that. Is there any objection to leave being granted?

**The Honourable Sir Reginald Maxwell.** No formal objection, but the first Resolution for the next Resolution day, standing in the name of Dr Banerjee, will be discussed today, and it will be barred on the 19th February.

**Mr. President** (The Honourable Sir Abdur Rahim) Supposing it is not reached today?

**The Honourable Sir Reginald Maxwell.** I understand that there is a very high probability that it will be reached today. I understand that Mr Joshi is not moving his Resolution. The next is the Income tax Resolution.

**Mr. President** (The Honourable Sir Abdur Rahim) I must hold that this motion is out of order. I do so on the simple ground that it is anticipating a Resolution which stands in the name of Dr Banerjee. Dr Banerjee's Resolution on the same subject is likely to be reached on the 19th.

**Sardar Sant Singh.** I was going to give another reason.

**Mr. President** (The Honourable Sir Abdur Rahim) I do not want to hear anything more on the point of order. It is likely to be reached on the next Resolution day and I, therefore, hold the motion to be out of order.

## FAILURE TO OBTAIN APPROVAL OF THE CENTRAL LEGISLATURE FOR DECLARING

### INDIA AT WAR WITH JAPAN

**Mr. President** (The Honourable Sir Abdur Rahim) The next one also is in the name of Sardar Sant Singh. He wishes to discuss a definite matter of urgent public importance namely, ‘the failure of the Government of India in not advising His Excellency the Viceroy to obtain the approval of the Central Legislature for declaring India at war with Japan and thus failing to mobilise Indian public opinion in the country.’

I should like to know from the Honourable Member whether the Government of India is bound to advise the Viceroy on a matter like this. I am sorry. I understand this motion has been disallowed by the Governor General. The order is as follows.

‘In exercise of the power vested in me by sub rule (2) of rule 22 of the Indian Legislative Rules, I, Victor Alexander John, Marquess of Linlithgow, hereby disallow the motion of Sardar Sant Singh to move the adjournment of the House for the

purpose of considering the failure of Government of India in not advising His Excellency the Viceroy to obtain the approval of the Central Legislature for declaring India at war with Japan and thus failing to mobilize Indian public opinion.

#### FAILURE TO PROVIDE ADEQUATE MEANS OF TRANSPORT FOR AGRICULTURAL PRODUCE

**Mr President** (The Honourable Sir Abdur Rahim) Then the next motion is in the name of Mr Deshmukh who wishes to discuss a definite matter of urgent public importance, namely, "failure of the Government to make adequate arrangements for transportation of agricultural produce and particularly short staple cotton by rail to the market centres in the country which has resulted in the economic ruin of its growers."

But, surely, this question of transport of agricultural produce has been going on for some time, is not it?

**Mr Govind V Deshmukh** (Nagpur Division Non-Muhammadan) It may go on for ever, but the agriculturists cannot wait they are dying every day.

**Mr President** (The Honourable Sir Abdur Rahim) I understand that if the question is to be raised by adjournment motion, then it has to be raised at the earliest possible opportunity. Was there no opportunity in the last Session to raise this question?

**Mr Govind V Deshmukh** No opportunity up till now. After the last Session there was no opportunity till now.

**Mr President** (The Honourable Sir Abdur Rahim) During the last Session?

**Mr Govind V Deshmukh** They did not control transport to this extent then. As a matter of fact, wagons are not now available and goods are lying at the stations and even on the roads for miles. They will not

**Mr President** (The Honourable Sir Abdur Rahim) The difficulty has arisen since then, is that the case?

**Mr. Govind V. Deshmukh** It did not arise then.

**Mr. President** (The Honourable Sir Abdur Rahim) I think the Honourable Member himself moved a motion to that effect?

**Mr Govind V Deshmukh** Not about the transport.

**Mr President** (The Honourable Sir Abdur Rahim) Is there any objection on the part of Government?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) No, Sir.

**Mr President** (The Honourable Sir Abdur Rahim) Then the matter will be taken up at 4 o'clock. **Mr Joshi**

**Mr N. M. Joshi** (Nominated Non-Official) Sir, I have most reluctantly come to the conclusion that I should not move my Resolution \*

## RESOLUTION RE ADMINISTRATION OF THE INCOME-TAX DEPARTMENT

**Sir Abdul Halim Ghuznavi** (Dacca cum Mymensingh Muhammadan Rural) Sir, I have been authorised to move the Resolution  
12 Noon I beg to move

"That this Assembly is of the opinion that the administration of the Income tax Department has caused and is causing great discontent among the Indian assesses all over India and recommends to the Governor General in Council that, in order to redress their grievances, action on the following lines be immediately taken, namely

- 1 that Indian assesses and European assesses be in every way treated in exactly the same manner,
- 2 that the Appellate Assistant Commissioners and the Appellate Tribunal be placed under the control of the Law Department of the Government of India or of the Federal Court instead of the Finance Department,
- 4 that the Income Tax Act and the Excess Profits Tax Act be in their application interpreted according to the recognized judicial rule of interpretation, and a fiscal law should be interpreted in favour of the subject,
- 5 that explanations given by the assessee and statements of fact made by him be treated with due regard,
- 6 that the Income Tax Officers be not expected to realise tax according to pre-determined 'budget',
- 7 that no arbitrary action be taken about the registration of firms or about the separation or jointness of families,
- 8 that accounts audited by qualified auditors be treated with the utmost respect and assesses be not harassed by calling for Books of Account, etc. and such explanations only as may be necessary for the assessment of income may be asked'

Sir, there has been a serious plight of the Indian assesses and correspondence and memoranda have passed between the various Indian Chambers of Commerce and the Government of India. On the 24th June, 1941, the Bengal National Chamber and the Indian Chamber jointly made a representation, as a result of which there was a conference, and Mr Mullen, the Commissioner of Income tax, Bengal, and Mr Dandekar, the Commissioner of Income-tax, Central, kindly visited the Chambers and held discussions with them. A second conference which emanated from a memorandum that was submitted to the Government of India was held, on the 9th December when Mr Sheehy, Mr Ayres, Mr Mullen and Mr Dandekar kindly visited the Indian Chamber and had discussions with the five Indian Chambers of Commerce about their grievances.

Now, Sir I will categorically deal with the points I have raised in the Resolution, one by one. I will deal first with points (1) and (8) together

\*"This Assembly recommends to the Governor General in Council that with a view to secure voluntary, effective and enthusiastic support for the war from the people of India, he should take immediate steps for the establishment of a National Government at the Centre, responsible to the Central Legislature, either by securing changes in the Constitution to the minimum extent necessary or by convention with a satisfactory provision for the protection of the interests of the minorities."

[Sir Abdul Halim Ghulamavi]

I am to read extracts from a pamphlet which has been compiled of the statements made by the Chambers as well as the answers made by Mr Sheehy and Mr Mullen. Mr Sheehy has corrected the answers which are printed in this book. It was pointed out to them on both the occasions that the audited accounts submitted by the European assesses were accepted without any trouble whatsoever, while those submitted by the Indian assesses were not so accepted. It was said that the files of the British firms have not been called for scrutiny because such firms always submit audited accounts, but no excuse could have been more specious, for it is a matter of almost daily experience that while audited accounts of European firms are accepted as correct, similar audited accounts submitted by Indian firms are subjected to a severe examination and inquiry. Indeed this in itself is one of the most glaring examples of racial discrimination. In spite of the submission of audited accounts, books of accounts and vouchers of Indian assesses are called for and re-examined more than once as regards minor details. There have been instances where in assessment cases dealing with lakhs of rupees minor expenses amounting to a few rupees only were questioned and vouchers called for in spite of audited accounts having been submitted. Mr Sheehy in the course of his statement in the Chamber said, "Coming to paragraph 3(b) regarding audited accounts, I know this argument was put forward by the *Capital*, but I do not take any responsibility for what appeared in that paper. Our intention is to attach respect to properly audited accounts, as desired. But it will be appreciated that the auditors must be qualified auditors." To which Mr Khaitan replied—"We never meant private auditors, we only ask for accounts properly audited by professional registered auditors to be treated with respect." Mr Sheehy enquired from Mr Dandekar—"what do you say"? Mr Dandekar stated that "the case of private limited companies is different from public limited companies. In the case of public limited companies, if the accounts are properly audited, it may not be necessary to call for books of accounts, unless it is essential." Mr Khaitan said, "We have ourselves suggested this in paragraph 7(b). When accounts are audited, you should not suspect on imagination."

Then, Sir, Mr Dandekar referred to cases of public companies and said, "Cases of public companies go to the Central Department when they are connected cases. Cases do receive more scrutiny in the Central Department." Mr Khaitan observed—"Why this discrimination?" Mr Sheehy to Mr Dandekar "Why so?" Then Sir Badradas observed "Then the point boils down to this that you are not prepared to admit what is behind your mind all the while." Mr Sheehy after consulting Mr Dandekar said "We agree that, both in the General and Central Departments, in the case of public companies, books of accounts and vouchers will not be called for and explanations as may be necessary for the assessment of the income of the assessee will only be asked." Then Mr Khaitan said "Now, I come to the question of private limited companies. Why treat them differently? If auditors give a certificate that they have audited the accounts in the same manner as they did of public limited companies." He further said "We are referring to the cases of those companies whose accounts are audited by Chartered Accountants (Mr Dandekar is one of them), Incorporated Accountants and other qualified accountants who are recognised by the Companies Act." To this Mr Dandekar said "But do they give the same kind of certificate

in the case of private companies as in the case of public companies?" Mr Khaitan replied "We are referring to the cases in which the same kind of certificate is given. There can be no reason whatsoever for making a distinction between public and private companies in such cases. As we have agreed in the case of public companies, in the case of private companies also, books of accounts, etc., should not be called for and such explanations as are necessary for the assessment of the income of the assessee may be asked for." Mr Sheehy, after consulting Mr Dandekar, remarked, "I agree. You may put this on record." We were satisfied that at any rate this point had been agreed upon. But when Mr Sheehy came back to Delhi, he became wiser and wrote a further letter on the 18th January clarifying the point. He wrote just the opposite of what he had agreed to before. He said "I would state our policy on this point as follows." The conclusion arrived at in Calcutta after full discussion is entirely negatived as will appear from the following letter which I shall read to the House.

"I would state our policy on this point as follows. (i) Since the law gives the Income tax Department the right to call for accounts and vouchers, we cannot agree to waive the right in any class of cases without qualification."

That put an end to what he had accepted.

**Babu Baljnath Bajoria** (Marwari Association Indian Commerce) Mr Sheehy ought to have been in the House today instead of sitting in the Official Gallery.

**Sir Abdul Halim Ghuznavi** Mr Sheehy said in his letter "We must, therefore, hold ourselves free to exercise the right in any case in which we think it should be exercised." That finishes the matter. Then Mr Sheehy says

(ii) "Subject to (i) in the General Department, public companies and private companies with a similar audit certificate (i.e. in similar terms and by an auditor qualified to audit a public company's accounts) will be treated similarly and their books of account and vouchers will not be called for."

(iii) With regard to the Central Department owing to the varying nature of the cases to be dealt with, the income tax authorities are not prepared to give any assurance as to normal procedure. Each case will be dealt with on its own merits."

Therefore, all that we thought he had agreed to was done away with as soon as he came back to Delhi. Then, we represented that some time ago circular letters had been sent to very respectable members of the Indian mercantile community, as also to respectable Indian ladies, enquiring whether they were members of certain *futka* markets.

**An Honourable Member** What is a *futka* market?

**Sir Abdul Halim Ghuznavi** *Futka* is the forward market. This circular was sent only to Indians, as if Europeans do not have any transaction in the *futka* market. For obvious reasons this enquiry was not addressed to any of the European assesses.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official) How do you know?

**Sir Abdul Halim Ghuznavi** Let them deny it. The letter was an insulting one and was highly resented by the mercantile community. After the protest was made, the circular was withdrawn in a number of

[Sir Abdul Hahm Ghuznavi]

cases That is how I know it Recently there was another circular which was issued,—just in the same insulting manner, calling upon respectable Indian assesseees, including ladies, to submit on a solemn declaration a list of all their assets with the dates and prices of acquisition of each item How is that possible? Supposing a lady is 70 or 80 years of age, to ask her to submit now on her eightieth birthday, a list of all she possessed and at what price she bought them, and where she got the money from—these details she has to furnish on a solemn declaration—it is ridiculous What right have they got to issue that circular? The Income-tax Act does not permit it, it is wholly illegal, this ought to be tested in a court of law I have here, with me, a copy of the notice, if any one challenges me What they want in the notice is this They say, "A list of all their assets with the dates and prices of the acquisition of each item" Needless to say, no such demand has been made of any European assessee Can there be a greater discrimination than this? Only Indian assesseees and Indian ladies, mark you, and no European ladies, as if European ladies have no assets of their own!

It has been ascertained on the best legal opinion available in the country that such an enquiry on the part of the Income-tax Department is not authorised by law But, legality apart, it is physically impossible for any one to give a list of all his or her assets which would include not only income-yielding assets, but also articles like jewellery, cash, bullion, furniture, pictures, contents of the wardrobe, etc., and to prove the dates and prices of acquisition of each article It may be argued that income tax authorities are not interested in asking for a list of such assets as jewellery, furniture, etc But a long list will have to be prepared of exemptions, and thus, even from the point of view of the Income tax Department such a query by its very nature would reduce itself to absurdity The obvious intention, however, appears to be, if the list is not supplied, to make an arbitrary assessment, that is what they want to do,—to fleece us without any material I shall deal with arbitrary assessment later If the list is supplied, they may treat almost the whole of the value as taxable in respect of all those items regarding which conclusive evidence cannot be given of the dates and prices of acquisition And *ipso facto* such evidence cannot be given

I will now deal with No 3 No 3 is that the Central Department in Calcutta and Bombay be forthwith abolished Although it is well known that in Calcutta a greater volume of business is controlled by British firms than by Indian firms, the creation of the Central Department in Calcutta was followed by a transfer to it of hundreds of files of Indian assesseees only to the exclusion of the files of British assesseees To the Central Department, about 400 files of the Indian assesseees were transferred The file of not one European assessee was transferred to the Central Department This fact was admitted on the 9th December by Mr Sheehy himself Look at the discrimination and I will presently show what the Central Department is This transfer of files naturally places a stigma on the name of and causes humiliation to the Indian business houses It is said that no humiliation was intended but such a statement cannot be supported by actual facts When the Income tax Amendment Bill was discussed in the Legislative Assembly, Sir James Grigg declared on the floor of the House that the Central Commissioners would deal with only three classes of cases By an amendment Sir

James Grigg got the House to agree on this clear pledge and it is recorded in the debates which I am going to read to you. Ever since he left, it has been converted into a department for getting hold of whatever they can out of the assessee. They select cases of parties from whom they expect large amounts and put them in the Central Department while it was intended at the time that the Central Commissioners would deal only with three classes of cases namely, penalty cases to preserve uniformity therein, that is to say, Bombay may penalise more, Bengal may penalise less, Madras may do nothing. So there will be a central authority to deal uniformly with the penalty cases. In insurance cases Bombay might decide in one way and Bengal might decide in a different way and so on. So that, the Central Commissioners who will be in Delhi, not in the provinces, will decide those insurance cases uniformly, and then come cases involving fraud. It is well-known that the Indian cases that have been transferred to the Central Commissioners do not come—those cases to which I have referred—under either of the first two categories. The first two categories are penalty cases to preserve uniformity and insurance cases. These come then under the category of fraud. So these 400 Indian cases which are transferred, which are entirely Indian, come under the category of fraud. There are no European cases in this. It is well-known that the Indian cases which have been transferred to the Central Commissioner do not come under either of these two categories. Naturally, therefore, there is no escape from the conclusion in the public mind that all the cases that have been transferred to the Central Commissioner must be cases of fraud or at least of suspected fraud. So, you put a stigma straight off on these 400 or more Indian assessees, because they cannot be transferred under the above two heads. They must have been transferred under the third head, that is, of suspected fraud. It may be pointed out that the cases which have been so transferred include the cases of well-known Indian Houses which have not only been above suspicion always but have also offered the largest amount of co-operation to the authorities.

**The Honourable Sir Jeremy Raisman** (Finance Member) I should like to make it clear on this point that we do not accept the interpretation that the cases falling under this category are only cases of suspected fraud?

**Sir Abdul Halim Ghusnavi** Then what is it?

**The Honourable Sir Jeremy Raisman:** I will deal with that later. I just want to make this clear.

**Sir Abdul Halim Ghusnavi:** I cannot deal with it in such a short time. Mr. Sheehy said that the then Finance Member, Sir James Grigg, got a bit muddled over the matter. I will just read out to you what Sir James Grigg said. The Income-tax Act would not have been on the Statute-book but for the co-operation of the Congress and Sir James Grigg got the co-operation of the Congress (because even the Muslim League and the Independent Party and everyone of us was against that amendment of the Income-tax Act), on this definite understanding

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member has two minutes more

**Sir Abdul Halim Ghuznavi** In stating the objects of this amendment, Sir James Grigg said "The object of the alteration made in the clause by the Select Committee was to enable a certain amount of co-ordination work to be done by headquarters and not in relation to any territorial jurisdiction of the existing Commissioners. In order to do that, we will require to have a staff and, without overlapping and duplication, the simplest way would be to give the headquarters staff the power, in regard to particular areas, to do this work. Penalties were the main question on which this arose. The other classes of cases which may be dealt with at headquarters are cases where fraud is suspected. Then, in insurance companies, specially complicated cases and classes of cases arise, where technical knowledge and familiarity with the classes of cases is required, and those are done at the headquarters'. Sir, it is not done at the headquarters at all. As regards the Central Department, Mr. Sheehy said

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member's time is up

**Sir Abdul Halim Ghuznavi** Will you allow me to read this?

**Mr. President** (The Honourable Sir Abdur Rahim) I will give the Honourable Member two minutes more

**Sir Abdul Halim Ghuznavi** Mr. Sheehy said that Sir James Grigg got a bit muddled headed over this matter at the time

**Lieut.-Colonel Sir Henry Gidney** He said muddled, not muddled headed'

**The Honourable Sir Jeremy Raisman.** He made a mistake

**Sir Abdul Halim Ghuznavi** If he made a mistake, it is on record. Mr. Sheehy said that the most authoritative statement is contained in the Report of the Select Committee and not in Sir James Grigg's speech alone

Sir, I will now deal with the second point, namely, that the Appellate Assistant Commissioners and the Appellate Tribunal be placed under the control of the Law Department of the Government of India or of the Federal Court instead of the Finance Department. The British jurists have always held that the Judiciary must be independent of the executive in order to ensure the hallmark of justice and impartiality. One anomaly of the present appellate machinery remaining under the control of the Central Board of Revenue is that appeals are heard by officers controlled by the Executive who are themselves the respondents. The Appellate Assistant Commissioners and the Appellate Tribunal together make the appellate machinery. To the High Court there is a reference only on points of law. The Appellate Assistant Commissioners are junior officers, who look to the favour of the Central Board for promotion and prospects



In appeals preferred to them, files are first forwarded to the Inspecting Assistant Commissioner who makes remarks on them and then these files are forwarded to the Appellate Assistant Commissioners. Appellate Assistant Commissioners are junior to the Inspecting Assistant Commissioners in service and in Calcutta they are junior in emoluments also. They also look forward to being promoted as Inspecting Assistant Commissioners. So, the Inspecting Assistant Commissioner's remarks on the files, whatever they be, directly influence the findings of the Appellate Assistant Commissioners and in any case it cannot be denied that the Central Board of Revenue has undue influence on them.

The Appellate Tribunal were, no doubt, appointed in the first instance by the Finance Department on the recommendations of the High Courts and the Federal Public Service Commission. But they are appointed for a fixed period and they have to look to the Central Board of Revenue or the Finance Department for a renewal of their tenure. Besides, their leave rules and their movements are controlled by the Central Board of Revenue. The whole atmosphere is such that the members of the Appellate Tribunal are at every stage reminded that they must keep the Board of Revenue humoured if they are to advance in their official careers. They have the last word in appeals on questions of facts and, therefore, their position must be scrupulously independent.

One word more Sir, and I have finished. I now wish to deal with point No. 6 which refers to pre-determined budget. Look at the Circular which I propose to read to the House. The purport of it is that they want so much money. Can Mr. Sheehy deny that this Circular was never issued? It is just a piece of good luck that I am in possession of a copy of this Circular. It runs thus:

"The net revised Estimate for 1941-42 for the province as a whole as furnished by the Inspecting Assistant Commissioners amounted to Rs. 12,58,00,000. As in my opinion this figure was too low, I have raised it to Rs. 13,87,80,000. The percentage of increase under different heads is shown below. The Income Tax Officers may be informed so that they will know what I expect them to collect."

There the matter ends.

**Sir Cowasji Jehangir** (Bombay City Non-Muhammadan Urban) Who has signed this Circular?

**Sir Abdul Halim Ghuznavi** The Commissioner of Income-tax, Bengal, has signed this Circular.

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member has exceeded his time-limit. He must conclude his speech now.

**Sir Abdul Halim Ghuznavi** One more point, Sir, and then I will conclude my speech. I have shown already the treatment of the Indian assesses. Now look at the treatment of the European assesses.

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member is now going into another subject which I cannot allow. The Honourable Member has already taken more of the time of the House than was his due.

**Sir Abdul Halim Ghuznavi** I will take only two minutes more, Sir. While this is the treatment that is meted out to respectable Indian assesseees it would be pertinent to refer to the persistent reports in Delhi and Simla that over hundred letters from the British business houses in the United Kingdom to their offices in Calcutta and Bombay have been censored by the Government of India in which instructions were given to the European firms in India as to how to evade taxes by various methods which were mentioned. This is neither denied nor accepted. That is the position of the European Income-tax assesseees. Then, Sir, to add to the above discrimination and oppressive methods, an undoubtedly heavy amount of tax is also sought to be realised from the Indian assesseees by various means. What are these means? It is the discontinuance of the registration of firms which have for years been registered under the Income-tax Act. By one stroke of the pen they have been discontinued. Then, they have joined together the incomes of persons who have actually been separated under the Hindu law.

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member has had his two minutes. He must conclude now.

**Sir Abdul Halim Ghuznavi.** Sir, I move

**Mr. President** (The Honourable Sir Abdur Rahim) Resolution moved

"That this Assembly is of the opinion that the administration of the Income tax Department has caused and is causing great discontent among the Indian assesseees all over India and recommends to the Governor General in Council that in order to redress their grievances, action on the following lines be immediately taken, namely

- 2 that the Appellate Assistant Commissioners and the Appellate Tribunal be placed under the control of the Law Department of the Government of India or of the Federal Court instead of the Finance Department,
- 3 that the Central Department in Calcutta and Bombay be forthwith abolished,
- 4 that the Income Tax Act and the Excess Profits Tax Act be in their application interpreted according to the recognized judicial rule of interpretation, i.e., a fiscal law should be interpreted in favour of the subject,  
by the assessee and statements of fact made by him in regard,
- 6 that the Income Tax Officers be not expected to realise tax according to pre-determined "budget",
- 7 that no arbitrary action be taken about the registration of firms or about the separation or jointness of families,
- 8 that accounts audited by qualified auditors be treated with the utmost respect and assesseees be not harassed by calling for Books of Account, etc. and such explanations only as may be necessary for the assessment of income may be asked."

**Mr. T. Chapman-Mortimer** (Bengal European) Mr President, I regret that I find myself quite unable to support the Resolution that has just been moved in this House (*Voues* That is well known) It falls into two distinct parts The first is an expression of opinion that the administration of the Income tax Department has caused and is causing a great deal of discontent We know that it is so and that this discontent is not only confined to Indians as I am sure some of those on the Treasury Benches will confirm That is, as I said, an expression of opinion We know that there is criticism Then, the Resolution goes on to make certain recommendations The basis of these recommendations is that the grievances or the alleged grievances are well-founded and that, therefore, a certain action or a certain line of action should be taken I propose, therefore, to deal as briefly as possible with these various specific heads under which recommendation is sought to be made to the Governor General in Council

I take No 1 naturally first and under the stern eye of the Mover of the Resolution I will deal rightaway with the point he referred to rather late in his speech He made a statement, I do not know on what authority he made it, that the censor had made certain remarkable discoveries How he knows what the censor discovered, when that is an entirely secret department of the Government of India, is something that passes my comprehension

**Sir Abdul Halim Ghuznavi:** I ask the Government of India to deny that

**Mr. T. Chapman-Mortimer** With regard to the point of what he has revealed, namely, the allegation that certain Europeans are seeking to evade taxation, if that is correct, I hope the Government of India will take drastic action against those persons, whoever they may be I expressed myself very strongly on the question both of tax evasion and of tax avoidance when this matter came before the House during last Session and I do not propose now to take up the time of Honourable Members by repeating some of the things that I said then I content myself with repeating that if there are Europeans who are evading taxation, they must be punished in the same way as anyone else who is evading taxation, they must be punished in the same way as any one else who is evading taxation must be punished So much for that I entirely agree, therefore, with the spirit of the first point made, namely, that Indian assesseees and European assesseees should be treated exactly in the same manner For myself, I have never heard that they were treated otherwise than in the same manner

**Sir Abdul Halim Ghuznavi:** Not even today?

**Mr. T. Chapman-Mortimer:** Till today But that however is a matter not for me but for the Honourable the Finance Member and his subordinates to answer

**Babu Baijnath Bajoria:** Can you take exception to the suggestion?

**Mr. T. Chapman-Mortimer:** I take no exception to the suggestion that European and Indian assesseees should be and must be treated in precisely the same manner and I am certain that that is in fact done by the Government

[Mr T Chapman-Mortimer]

Then, Sir, in regard to the second point, that the Appellate Assistant Commissioners and the Appellate Tribunal be placed under the control of the Law Department of the Government of India or of the Federal Court instead of the Finance Department it is a perfectly well established principle of tax administration both in this country and in England that the Income-tax Commissioners should be under the Central Board of Revenue in India and under the Board of Inland Revenue in the United Kingdom. The point so far as I was able to understand, as made out by the Honourable the Mover of the Motion, was that if this transfer could take place there would be greater justice in the administration of income-tax collection. Now, Sir, I should like to remind the House that when the 1939 Amendment Bill was passed into law, certain very important changes were made with regard to Assistant Commissioners, and we introduced then for the first time, Inspecting Assistant Commissioners as well as Appellate Assistant Commissioners. Now, Sir, the reason for that so far as my recollection goes was that when Mr Ayers and Mr Sheehy made their examination of the administration of Indian Income-tax law and made their report, they made the recommendation that those who function as Appellate Assistant Commissioners should be distinguished from the Inspecting Assistant Commissioners.

**Sir Cowasji Jehangir** Who made that report? Not Mr Sheehy

**Mr T Chapman-Mortimer** I beg your pardon It was Mr Chambers and Mr Ayers

**Sir Cowasji Jehangir** And Mr Vachcha also

**Mr T Chapman-Mortimer** I apologise to the House Mr Chambers, Mr Ayers and Mr Vachcha made that report. Anyway, Sir, that is the basis of the present law that report was taken their reasons were considered and their recommendations accepted by the Government. Now, Sir, the reasons that they gave were rather interesting. The first thing they said was that they had found that in practice there was no such unfairness or hardship as was alleged, but that they appreciated that in the minds of—I am paraphrasing what they said—that in the minds of certain assesses, naturally there was anxiety on this point because they felt that when the judicial and executive functions were combined in the same officer, naturally he would tend to look to his position as an executive officer of the Government rather than to his judicial capacity. For that reason, therefore, they suggested that this separation of two functions should be made, and I think I am correct in saying, that the law which put it into effect has in fact been carried into practice and that this distinction has now been made. But on that point I should like to hear from the Honourable the Finance Member in due course.

Then, Sir, with regard to the Appellate Tribunal at present the Appellate Tribunal I think, is subordinate to the Central Board of Revenue and not to any local Commissioners either in Calcutta, Bombay or elsewhere.

**Sir Cowasji Jehangir** It makes no difference

**Mr. T. Chapman-Mortimer.** I question that statement that it makes no difference because my recollection is—going back to the time when the last Income Tax (Amendment) Bill was under discussion—Sir Cowasp Jehangir openly said on the floor of the House—he will correct me if I am wrong—that if this Tribunal was put under Mr Ayers and Mr Chambers he would be entirely satisfied that justice would be done. Is that correct or not, Sir? I believe that is correct.

**Sir Cowasji Jehangir.** I mentioned Mr Ayers, I did not mention the name of Mr Chambers.

**Mr. T. Chapman-Mortimer.** He did say so and I am perfectly certain that his views in this matter are shared by a great many other people. While, therefore, one can have sympathy for those who feel that when an executive department of Government functions also in a judicial capacity or a semi-judicial capacity, there may be some feeling that possibly justice is not done, yet I believe myself that in practice the Government do administer these fairly.

I now come to the third recommendation that the Central Department in Calcutta and Bombay be forthwith abolished. Here, if I understand the Honourable the Mover's remarks correctly, he made the remarkable statement that these had been set up according to certain principles indicated by Sir James Grigg in his speech. We all know, Sir, that Sir James Grigg was very free in his language and he was sometimes apt to say something that were not . . .

**An Honourable Member:** Intended

**Mr. T. Chapman-Mortimer.** They were intended, but they were not a strictly legal interpretation of the law. That is the point. The point is that if you have a law, that law has to be administered by Government and it does not matter in the least whether some distinguished Member of the Government

**Sir Cowasji Jehangir.** May I interrupt the Honourable Member for one moment? Does he mean to say that undertakings given by a Member of the Government on the floor of the House and undertakings given by the Government in the Select Committee reports can be repudiated? Does the Honourable Member mean to say that?

**Mr. T. Chapman-Mortimer.** I am perfectly certain that the present Finance Member would never, in any circumstances, go back on any definite undertakings which Sir James Grigg made either on the floor of the House or in the Select Committee or in any other circumstances. But the point is whether Sir James Grigg, in saying certain things which he did say in the Assembly, was in order legally in doing so and whether his views were correct interpretations of the Act as it stands.

**The Honourable Sir Jeremy Raisman:** Sir, may I intervene just for one second to point out that Sir James Grigg was describing accurately the functions of the headquarters organisation which was then set up and not the functions of the central Commissioners? If he had called them the

[Sir Jeremy Raisman]

functions of the headquarters Commissioners he would have been strictly correct, but he did make a mistake. Although he was a very clear-headed man,—none more so,—on this occasion he just made a slip.

**Mr T. Chapman-Mortimer.** That clarifies the position entirely. We now know what Sir James Gigg had in mind and what was the intention that Government had.

With regard to what was said about Sir James Gigg making a pact with Congress in this matter, I have never heard anything more absurd. I cannot imagine that he made a pact or anything else with the Congress in regard to the administration by his successors of the Income tax law, and I am perfectly certain that no Member of this House who knew Sir James Gigg and had the honour of working with him thinks otherwise than what I have just said.

Then, with regard to clause 4 of the Resolution, this is a most remarkable recommendation because if I go to the income-tax authorities and say that this is my assessment.

**Sir Abdul Halim Ghuznavi.** That is the highest court's ruling.

**Mr T. Chapman-Mortimer.** If I say "these are the statements I made, the case is entirely in my favour and the decision must be made in my favour," that is an absolute absurdity. Clearly the income-tax authorities are entitled to ask me whether in fact I have made an accurate return or whether, either by lack of knowledge of the law or for any other reason, I have definitely not given an accurate return of my income. And what is sought to be done by paragraph 4 is that, if I make a certain statement which is not correct, either knowingly or due to ignorance of the law, Government should not be entitled to come down on me and say that they have found that my income was Rs. 50,000 larger than in fact it was shown to be. That is an impossible proposal.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member's time is up.

**Mr T. Chapman-Mortimer.** All right, Sir.

**Mr Akhil Chandra Datta** (Chittagong and Rajshahi Divisions, Non-Muhammadan Rural) Sir, I rise to support this Resolution. There are so many points involved in this that it is impossible to deal with them all and I propose to deal with only one point, namely, clause 2 of the Resolution about the appellate machinery being placed under the control of the Law Department of the Government of India or the Federal Court instead of the Finance Department. This is a recommendation not made by Sir Abdul Halim Ghuznavi alone but by all the Indian Chambers of Commerce, and if I have been able to follow my Honourable friend, Mr Chapman-Mortimer, I think it has the support of the Europeans also. The point that I want to make is that the appellate machinery is extremely unsatisfactory, the provisions of the Act are themselves very unsatisfactory, as they are calculated to impair the independence of the appellate authority. The provisions themselves are very bad but they are made still worse by the way in which these provisions are worked by the Finance

**Department** There are two appellate authorities, one is the Appellate Assistant Commissioners and the other is the Appellate Tribunal. In the language of the Civil Procedure Code it can be said that one is the court of first appeal and the other is the court of second appeal. As regards the first appeal court, section 30 of the Income-tax Act lays down that an assessee may appeal against any order passed by the Income-tax Officer to the Appellate Assistant Commissioner. But what is the position of this Appellate Assistant Commissioner? Section 5(7) of the Act says that

Assistant Commissioners of Income-tax and Income-tax Officers shall for the purpose of this Act be subordinate to the Commissioner of Income-tax, etc. Again in section 5(4) we find that "the Appellate Assistant Commissioner of Income-tax shall be under the direct control of the Central Board of Revenue. The words used here are 'direct control', in the other subsection the words are "subordinate to". I take it that in substance they mean the same thing. That being the position of the Appellate Assistant Commissioner it goes without saying that he cannot act independently. There is also the power of transfer given by section 7 A.

The Commissioner of Income-tax may transfer any case from one Income-tax Officer subordinate to him to another.

In actual practice we know from our experience what the implication of this power is. Then section 8 which is very important lays down that—

"All officers and persons employed in the execution of this Act shall observe and follow the orders, instructions and directions of the Central Board of Revenue."

The words "all officers" must include all appellate authorities also. Of course there is a proviso that

No such order, instruction or direction shall be given so as to interfere with the discretion of the Appellate Assistant Commissioner in the exercise of his appellate functions.

But what about the Appellate Tribunal? Can there be orders, instructions, directions, etc., of the Central Board of Revenue controlling the Appellate Tribunal?

**The Honourable Sir Jeremy Raisman:** Certainly not.

**Mr. Akhil Chandra Datta:** So far as the language of the section goes, it says clearly that there will be no interference with the Assistant Appellate Commissioner in the exercise of his appellate functions, but nothing is said about the Appellate Tribunal, therefore by implication

**The Honourable Sir Jeremy Raisman:** Sir, I have not got the Act with me but I think if the Honourable Member looks at the provision regarding the Appellate Tribunal, it will be quite clear that no instructions can be issued by the Central Board of Revenue.

**Mr. Akhil Chandra Datta:** But here is the section and it is all-comprehensive. The words are—"all officers and all persons employed in the execution of the Act". Certainly the members of the Appellate Tribunal are officers employed in the execution of the Act.

**The Honourable Sir Jeremy Raisman:** The point is that the Appellate Tribunal is not an "income-tax authority" within the meaning of section 5 and, therefore, it is not subordinate to the Central Board of Revenue.

**Mr Akhil Chandra Datta** Certainly the members of the Appellate Tribunal are, in the language of the section, "officers employed in the execution of this Act."

Then about the other officers, namely, the Income-tax Officers, there can be no question I should think this proviso is very mischievous, while seeking to give a safeguard against interference it really does quite the reverse. So far as the Income-tax Officer is concerned, it is very clear that there can be interference with his orders about assessment by the superior authority.

Then, Sir, may I draw the attention of the House to section 28(vi) of section VI which lays down

"That the Income Tax Officer shall not impose any penalty under this section without the previous approval of the Inspecting Assistant Commissioner."

That is how there is an obligatory provision that the Income-Tax Officer cannot pass an order according to his own independent judgment. He must, before passing the order, obtain the previous approval of the Inspecting Assistant Commissioner. Not only this, there is another section 23 A (2) where you find a similar provision.

**Pandit Lakshmi Kanta Mahtia** (Presidency Division Non-Muhammadan Rural) Also the provision for penalty.

**Mr Akhil Chandra Datta** Yes, "The order of penalty cannot be passed without the previous approval." Then there is section 23A(2) where it is stated "The Inspecting Assistant Commissioner shall not give his approval to any order proposed to be passed by the Income-Tax Officer", and so on. This is about the first Court of Appeal. About the second, there is section 33 which makes provision for appeal to the Appellate Tribunal against the orders of the first Appellate Court. That section provides for appeal by the assessee as well as appeal by the Commissioner himself. So here is this anomalous position. The Commissioner is the appellant. The Commissioner is also the authority who advises the Central Board of Revenue in appointing the members of the Tribunal. I do not say that the Commissioner appoints himself, appointment is made by the Central Board of Revenue, but, all the same, we know under whose advice and under whose inspiration the Central Board of Revenue acts. So that the provisions with regard to the independence of the Appellate Tribunal are almost illusory. I stated at the beginning of my speech that these are very bad provisions which are made worse still in the way in which they are worked. The interference by the higher authority is not only on matter of broad policy but also with regard to every specific and isolated order proposed to be passed in individual cases. It is said that orders are dictated in some cases with regard to the amount of tax and so on.

I say, therefore, that the Appellate machinery ought to be improved according to the recommendations made in this Resolution. The Resolution says that "the Appellate Tribunal be placed under the control of the Law Department of the Government of India." I do not know whether the Honourable the Finance Member has sufficient confidence in the Law Member, but I cannot conceive that there can be any objection in placing these Appellate Authorities under the control of the Law Department of the Government of India, instead of under the Finance Department. After all the Finance Department are themselves the finance gathering



authority and human nature being what it is, we cannot expect proper check if they are themselves to control their taxing agents Sir, I support this Resolution

**Dr P N Banerjee** (Calcutta Suburbs Non-Muhammadan Urban) Sir, the terms of this Resolution are very comprehensive The defects of the existing system of Income-tax administration are pointed out here and certain recommendations are made with a view to remedying them Elaborate speeches are, therefore, not required to commend the Resolution to the acceptance of this House I will confine myself to a few brief observations on each of the points mentioned in the Resolution

Sir, as regards the first, namely, discrimination between European and Indian assesseees, it is urged here that it should be abolished My Honourable friend, Mr Chapman-Mortimer, denies that there is any discrimination

**Mr Husenbhai Abdullahbhai Laljee** (Bombay Central Division Muhammadan Rural) He does not know

**Dr P N Banerjee** Now, the very fact, which has not been denied, that 400 cases have been placed before the Central Commissioner in Calcutta—and all these 400 cases are cases of Indian assesseees—shows that there is discrimination,—and discrimination of the worst sort

**The Honourable Sir Jeremy Baisman** That is not the position now

**Dr P N Banerjee.** What is the position, please?

**Sir Abdul Halim Ghuznavi** It was till the 15th of December

**Dr P N Banerjee** So, is it the point of the Honourable the Finance Member that since the 15th of December wisdom has dawned upon the Government and they are trying to remove this discrimination? If that be the point, I will accept the position

**The Honourable Sir Jeremy Baisman** I will deal with that when I reply

**Dr. P. N. Banerjee.** So there is discrimination

**The Honourable Mr. M. S. Aney** (Leader of the House) The Honourable Member should say "there was" rather than "there is"

**Dr P. N. Banerjee.** Unless it is urged that almost all Indian assesseees are dishonest and all European assesseees are honest Now, such an assertion would be a libel on the Indian business community, a libel which will be strongly repudiated by all sections of this House

Sir, as regards the second point, I need hardly emphasise the necessity for separating judicial and executive functions, and I am glad my Honourable friend, Mr Chapman-Mortimer, agrees with this principle But he is unable to suggest any way to give effect to that principle Now, how can the executive and judicial functions be separated? The demand is made here that the Income-tax Appellate Authority should be placed under the control of the Law Department of the Government of India or

[Dr P N Banerjee]

the Federal Court. That is a very reasonable suggestion. What exception can be taken to this? It may be said it has been said on behalf of the Government that the appellate authorities decide cases very fairly and to the satisfaction of all. That satisfaction has not been given to all is evident from the fact that all the Indian Chambers of Commerce in the country have expressed grave dissatisfaction.

As regards appeals from the Income tax Officers to the Appellate Assistant Income-tax Commissioners, the system is a very unsatisfactory one, because between the Income-tax Officer and the Appellate Income-tax Authority, there intervene a number of other officers—Inspecting Income tax Officers, the Commissioners, and, lastly, the Director of Inspection. Who is this Director of Inspection? This office is not known to the law. He is an extra legal authority. But between these three categories of officers, they interest themselves greatly in the decision of the cases by the Income-tax Officers, and they create a great deal of difficulty in the matter of the assesses getting justice. What prevails at the present moment is this when an Income tax Officer is about to assess, certain instructions are issued to him by the Inspecting Income tax Officers, and then the Commissioners also intervene, and, lastly, the Director of Inspection. It is a fact that on the records of these cases certain remarks are made by these officers. These officers—Inspecting Income tax Officers and Commissioners and Director of Inspection—are officers whose salaries and status are higher than those of the Appellate Assistant Commissioners. Therefore, naturally when these cases go before the Appellate Assistant Commissioners, they are guided by the remarks which are found on the records. They are human beings and they look for their promotion to these high officers and to the Board of Revenue, and, naturally, they are influenced by the remarks which are made on the records. This is a very vicious system, which must be done away with. Besides, as has been pointed out by a previous speaker, the emoluments and prospects of these Assistant Appellate Commissioners depend upon the goodwill of the Board of Revenue. The Board of Revenue is a collecting authority and is interested in getting as much money from the assesses as possible. The Finance Department itself is also a collecting authority. Therefore the demand that is made here that the appellate authorities should not be under the control of the Finance Department or of the Central Board of Revenue is a very reasonable one.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member can stop now. The Assembly is adjourned till 2-30.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr Deputy President (Mr Akhil Chandra Datta) in the Chair.

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**Dr P N Banerjee** Sir, I was discussing the necessity for rendering the appellate authorities in income-tax cases independent of the Central

Board of Revenue and the Finance Department, when the House rose for lunch. It is essential in the interests of the proper administration of income tax in this country that justice should be done to assesses, and not only that, the people should be made to feel that justice is being done. In order to secure this object, it is very necessary that the Central Board of Revenue and the Finance Department should have nothing to do with the appointment, the fixing of emoluments, the transfer, and the prospects of the Appellate Income-tax Officers. The demand, therefore, that has been made in this connection is quite proper and fair, and no harm will ensue if the appellate authorities are placed under the Law Department or under the Federal Court. I would prefer the latter, but if it is quite impossible to give effect to that just now, the former may be given effect to it once.

Coming to the third point, namely, the Central Commissioners in Calcutta and Bombay, we all remember what the object was in providing for the appointment of these officers. Sir James Gigg made that position perfectly clear. He said that there were three objects in view, and he gave the definite undertaking that for no other objects would the Central Commissioners be utilised. But then I find that my friend, Mr Chapman Mortimer, expressed the view that his undertakings are of no value at the present moment. What is more surprising is that even Sir Jeremy Raisman is prepared to let down his predecessor on the plea that there was a confusion in his mind. Now, how are the Central Commissioners functioning? They are taking up not only certain classes of cases, but also individual cases. I admit that by a subsequent amendment, the Legislature gave the Central Commissioners the right to take up individual cases, but on what ground? On the ground that there were special intricacies involved in some cases, and that such specially intricate cases might be considered by the Central Commissioners. But we find now that all sorts of cases, individual cases as well as classes of cases, are being taken up by the Central Commissioners in Calcutta and Bombay. Those who read the daily newspapers know what scandals have occurred in a certain province. Everybody is now familiar with the ugly disclosures which have been made in connection with a certain case. I will not go further into this matter just now because this case is perhaps still *sub judice*, but I must say that it is a disgrace to convert the Income tax Department into a Criminal Investigation Department.

**The Honourable Sir Jeremy Raisman:** If the Honourable Member is not going to deal with a case which is *sub judice* I wish he would not refer to it instead of saying what.

**Dr P N Banerjee:** This does not refer to a single case, it has become a system. You are converting the Income-tax Department into a Criminal Investigation Department and that I consider to be a disgrace. I hold no brief for dishonest assesses.

**The Honourable Sir Jeremy Raisman:** Thank you.

**Dr P N. Banerjee:** Let the dishonest assesses be dealt with according to law.

**The Honourable Sir Jeremy Raisman:** That is what we are doing.

**Dr P. N. Banerjee** Let them be penalised to the utmost extent that is possible, but let not the Income-tax Department adopt questionable methods of espionage like the Criminal Investigation Department

Fourthly, the recommendation is that the recognised judicial rule of interpretation, namely, "that a fiscal law should be interpreted in favour of the subject", be applied to income-tax cases. This is a very reasonable recommendation, and the Honourable the Finance Member should not have any hesitation in accepting it. If this rule prevails in other civilized countries, why should it not prevail in India? Why should there be any departure in the case of India? Is it because India is a subject country?

**Mr Deputy President** (Mr Akhil Chandra Datta) The Honourable Member's time is up

**Dr P. N. Banerjee** Please give me two minutes more

**Mr Deputy President** (Mr Akhil Chandra Datta) Yes, you can have two more minutes

**Dr P. N. Banerjee** With regard to the fifth point, the recommendation is a very just one. As regards the sixth recommendation, it is, as has been pointed out by the Honourable the Mover of this motion that certain figures of revenue are arrived at first, by the Central Board of Revenue or by some of the officers, and then the whole amount is distributed. Bengal is asked to raise so much money. Bombay is asked to raise so much money without any reference to justice and fairplay. Is this right? Can the occupants of the Treasury Benches support this? You previously arrive at a certain figure and ask your officer to get so much amount of money without reference to the fairness of the assessments or to actual incomes.

Sir, the next two recommendations are also very reasonable and fair. Lastly, I come to a matter which ought to have been recommended in this Resolution, but which, unfortunately, has been omitted,—I refer to Charitable and Religious Trusts. The law relating to charitable and religious trusts is being administered in such a way that not only are the people being handicapped in various ways and not only is injustice being done to the trustees but there is a great deal of interference with the religious rights of the people.

The evils of the income-tax administration have now assumed a very vicious shape and the time has come when we should do our best to put an end to it.

**Babu Baijnath Bajoria** I rise to support this Resolution which has been so ably moved by my Honourable friend, Sir Abdul Halim Ghaznavi. I would have much liked that Mr Sheehy the Member of the Central Board of Revenue in charge of income tax, had been in this House to answer the criticisms levelled.

**Dr Sir Ziauddin Ahmad** (United Provinces Southern Divisions, Mubammadan Rural) You mean in the witness box?

**Babu Baijnath Bajoria** Not in the witness box. Bear with me a little and I will tell you why I want him here. I would have liked to have him in this House so that he could have given us firsthand information as to how the department is working and replied to the criticisms which

have been levelled against his department. Why I want him here is in order that he may not be able to say later on of Sir Jeremy Raisman that he had also muddled something just as, at the present moment, he is saying that Sir James Grigg did muddle when he gave an undertaking which has been relied to by previous speakers.

So, the Resolution is a very comprehensive one and it is not possible for me in the brief space of fifteen minutes to dilate on each of these eight points that have been raised there. Therefore, I will confine myself to only two or three of them. As regards racial discrimination, much has been said, and it cannot be denied that racial discrimination does exist. In the joint memorandum by the various Indian chambers of commerce which was submitted to Mr. Sheehy on the 9th December, 1941, a list of grievances were detailed therein, which clearly shows that there is racial discrimination. It is admitted by all Parties in this House—it is also admitted by Mr. Sheehy, and I think my Honourable friend, Sir Jeremy Raisman, will also admit—that nobody wants that there should be racial discrimination and if there is any racial discrimination, as is strongly suspected and not only strongly suspected, but felt by the Indian assessee, I think it is the duty of the Government to see that such suspicion or such feeling is removed. There is nothing very great in this demand. It is very fair and just and it is the duty of the Government to see that the Indian assessee feels that justice is being done to him and that he is not in any way treated unfairly *vis-a-vis* the European assessee.

I now come to the second point, namely, that the Appellate Assistant Commissioner and the Appellate Tribunal be placed under the control of the Law Department of the Government of India or of the Federal Court instead of the Finance Department. In the last Session when we were discussing the Income-tax Amendment Bill and the Excess Profits Tax Amendment Bill I raised the question about the appellate machinery of the Income-tax Department. This machinery is deteriorating. It has lost the confidence of the Indian assessee altogether and the most surprising part of it is that it is not the fault of the Appellate Assistant Commissioner or the personnel of the Appellate Tribunal. I am casting no reflection on the personnel of the Appellate Assistant Commissioners or of the Appellate Tribunal when I am referring to this. It is the system which is at fault. Under the system under which they are working they cannot do justice to the task which has been imposed on them. After all, they are human beings. They can be reasonably expected to give justice to the assessee if the case comes from the Income-tax Officer himself, but if the case comes with remarks from superior officers like the Central Commissioner or the Commissioner, the Appellate Assistant Commissioner—what can the poor fellow do? There are already remarks and notes from the superior officers. He has to be prejudiced by those remarks. It is just like this. Supposing I go to any lawyer to have his opinion on a case, if I give him a brief history of the case itself without any opinion from a senior lawyer, then he can give his free judgment on the case. But, if along with the case I just attach the opinion of Sir Sultan Ahmed or Sir N. N. Sircar or Sir Tej Bahadur Sapru and then ask him to give his opinion about the case, I am sure he will think hundred times before he gives an opinion against the opinion of these learned lawyers of India. That is exactly the case in the Income tax Department also.

**Sir Gowsaji Jehangir** You refer to the Appellate Assistant Commissioner?

**Babu Bajjnath Bajoria** Yes. It has been tried that the Appellate Assistant Commissioner should be separate from the Inspecting Appellate Commissioner and so on but this system has failed. I submit that now it is desirable that the Appellate Assistant Commissioner should be under the Law Department of the Government of India. I do not know what objection the Finance Department of the Government of India can have to make this transfer. I think that such a step will give confidence to the assessesees and to the Appellate Assistant Commissioners themselves.

Now, about the Appellate Tribunal. We were told during the discussions on the Income tax Bill in the last Session that the personnel of the Appellate Tribunal are not appointed by the Central Board of Revenue and so on, but still it is on the recommendation of the Finance Member that the personnel of the Tribunal are appointed. So to keep this appellate machinery beyond the influence of the Finance Department or the Income-tax Department, I think it should go with the Law Department.

I come to the third item, and that is that the Central Department in Calcutta and Bombay be forthwith abolished. I think that this part of the Resolution is the bone of contention in the whole Resolution. Let me state how the Central Department came into existence. When the Income tax Amendment Bill was on the anvil we were told that only penalty cases, insurance cases and fraud cases would go to this department and that this department would be administered from Delhi and not from Calcutta or Bombay as it is being done at the present moment. Again, it was said that class of cases will be given to this Central Department such as insurance cases because special knowledge is required and uniformity of treatment in all cases has to be maintained and that is why such cases have to be assessed by a Central Department in Delhi but, Sir, look how this Central Department is working at the present moment. Sir in Calcutta, in the Central Department, an Inspecting Assistant Commissioner has been made a Central Commissioner and four Income-tax Officers have been placed under him. These four Income tax Officers have all been recruited from outside Bengal. If I am not mistaken two have come from the United Provinces, one from Bihar and one from the Punjab. Sir I would like to know what special qualifications these officers previously had in the assessment of complicated and difficult cases of income tax in those provinces. In what way did they have special knowledge of income tax cases, superior to that of officers of the general department in Calcutta. The very appointment of these officers from outside and the creation of the Central Department has cast a reflection not only on the assessesees whose cases go to the Central Department but also a slur on the Income tax Officers themselves of the general department and there is a general feeling amongst the officers of the general department as to why these officers of the Central Department have been recruited from outside. It shows that either the Board of Revenue thinks that those officers there are incapable of doing work in the Central Department or they have no confidence in their honesty and loyalty. This is very unfair to the Income tax Officers themselves of Calcutta and it is also very unfair to the assessesees whose cases have been transferred to the Central Department.

Sir, at the joint meeting of the various Chambers of Commerce with Mr Sheehy and Co., Mr Sheehy remarked there that it was only the

Calcutta merchants who were complaining against the Central Department and Bombay is not complaining at all. Today I have been supplied with a copy of a telegram which has been received from the Indian Merchants' Chamber, Bombay, by the Federation of Indian Chambers of Commerce and Industry, New Delhi. With your kind permission, I will read out a few lines out of this.

**Mr Deputy President** (Mr Akhil Chandra Datta) The Honourable Member has got one minute more.

**Babu Baljnath Bajoria.** It says this:

"Regarding Income tax office Central Division Bombay of ten officers all but one transferred from General Department. Commissioner and Inspecting Assistant Commissioners brought from outside. Over four hundred cases understood transferred to Central Department and all cases excepting one relate to Indian assesses. As Central Section unduly prolong investigation and not taking practical view of matters general dissatisfaction against assessments being kept pending unnecessarily. Refusal or cancellation of partnership, reopening partition of Hindu joint families, assessing stock brokers on unrealised appreciation based on fluctuations adding estimates of income when there is no evidence of an income assessment of persons in the absence of past books on wealth basis looking with suspicion. Father admitting his major son as partner are some of the general complaints."

These are more or less the complaints from which the Calcutta assesses are also suffering. So, it is not true that Bombay is satisfied with the working of the Central Department and I think that when Sir Cowasji Jehangir speaks he will bear me out. One post was created, called the Director of Inspection. I do not know whether this post still exists. It was due to the person who was formerly a Director of Inspection that queer and strange methods of assessment have been and are being followed in the Income tax Department, especially in the Central Department. I will relate with your kind permission a few of the vagaries indulged in by the Department in making assessments.

(a) Stretching and twisting the law and interpreting it always against the assessee despite the Privy Council's ruling that a fiscal law should be interpreted in favour of the subject,

(b) Making fishing enquiries on suspicion and imagination even when full facts have been placed before the officers,

(c) Treating divided persons as members of a Hindu undivided family, and carrying this injustice to such extremes that, even when persons have for years been assessed as divided, fresh attempt is made to treat them as members of a Hindu undivided family,

(d) Arbitrarily refusing to register or continue the registration of a firm which in fact exists as such,

(e) Joining together the incomes of husband and wife when such decision enables the authorities to realise more tax even when there is no evidence that the husband gave any property, directly or indirectly, to the wife.

(f) Disallowing expenditure, wholly and exclusively incurred for business purposes,

(g) Seeking to treat payments made to persons as fictitious, even in the face of correct Book entries,

(h) Treating duly audited accounts with scant respect while professing that duly audited accounts will receive due consideration,

(i) Calling upon assesses to produce Books of account, vouchers, etc., on trivial grounds even where audited accounts are submitted.

(j) Lightly calling upon assesses to produce even past years' Books of account, which have been examined and assessed,

[Babu Baijnath Bajoria]

(k) Refusing to accept as correct entries in regularly kept books of entry as also explanations made by assesses, making cross references and verifications to a ridiculous extent in respect of petty transactions, and calling upon assesses to produce even those persons, with their Books of account, with whom the assesses have had any dealings,

(l) Making harassing enquiries as to why money was borrowed or lent by manufacturing and other concerns,

(m) When all particulars are furnished to the entire satisfaction of a reasonable administrator, still proceeding to make an estimate of the income to be assessed,

(n) Criticising and diluting on how the assesses should keep Books of account in a manner different from the one the assesses are used to and in a manner suited to the fancy of the officers,

(o) Calling upon respectable assesses including ladies, to submit, on solemn declaration, a list of all their assets with the dates and prices of acquisition, item by item

These are some of the complaints which have been enumerated. Now, Sir, it is the duty of the Government to administer the law in such a way, so that the panic which now exists in the mind of the assessee, both in Calcutta and in Bombay, may be removed and they may feel that equity and justice is being done to them

**Mr Deputy President** (Mr Akhil Chandra Datta) The Honourable Member's time is up

**Babu Baijnath Bajoria** May I have a minute or two more

**Mr Deputy President** (Mr Akhil Chandra Datta) You have already exceeded your time by five minutes. I will allow you two minutes more

**Babu Baijnath Bajoria** Government should get its due share of income tax. I have got no objection to that but, Sir, they should not twist the law. They should not harass the assesses. They should try to make a reasonable interpretation of the explanation which is given to them. After all, the assesses, especially the Indian assesses, I refer to the smaller ones, cannot be expected to have perfect accounts, in the same way as a big concern. After all the accounts are kept by the assesses so that they can understand the accounts and the position of their business. The accounts are not made for explaining to the income-tax authorities.

**The Honourable Sir Jeremy Raisman** I submit that the Honourable Member having exceeded his time is not dealing with any new point. If it is the desire of the House not to hear what other speakers have to say and what I have to say, then I would submit that the time limit be waived in which case there will be no need for me to reply today.

**Mr Deputy President** (Mr Akhil Chandra Datta) I have given the Honourable Member two minutes more. He can go on.

**Babu Baijnath Bajoria** If the Honourable the Finance Member thinks that I am not making any new submission and the House is anxious to hear what he has to say, I would rather like to hear him than to have myself heard.

**Pandit Lakshmi Kanta Maltra** Sir, this Resolution reflects to the very acute sense of dissatisfaction prevailing amongst the assesses all over the



country against the administration of the income-tax law. It also embodies certain proposals as remedial measures which are very modest and eminently reasonable, to say the least of it. The Resolution has eight distinct parts. I believe the most important of which is part (6), that is to say, the recommendation which lays down "that the Income-tax Officers be not expected to realise tax according to a pre-determined budget." It seems to me that all the misdeeds of omission and commission of this department may be traced to this source. It is the fountain head of all abuse and maladministration of this Department. Sir, as a member of the legal profession, I have had occasions to come in contact with assesses and I know something of the working of this Department of the Government of India. I can say that nothing but a feeling of sheer disgust crept into me, as often as I have handled income-tax cases in my province. If a certain fiat go forth from the executive head of the Department that a certain amount has got to be collected, the officers who administer the law come to feel that in order to justify their existence they must, by hook or by crook, realise the amount budgeted for, and we can well understand how in such circumstances justice would be butchered and fair play cast to the winds. And that is exactly what is happening. Sir, the Honourable the Mover of this Resolution has referred to a confidential circular which was circulated to the Income-tax Officers. I will read one sentence from it which is very significant and it will throw a lot of light on what is actually taking place in the field of application of this law. In the body of the Circular occurs this precious sentence

"The I T O's may be informed so that they will know what I expect them to collect."

So, the primary duty of those in charge of assessment, those who are in charge of the administration of the law, is to remember that they have

got to find out the money that has been indicated to them by this secret Circular. It seems to me that the old French methods have been installed in the Income-tax Department of the Government of India. *Lettres de cachet* are sent to the officers on the spot in which they are asked to do certain things in accordance with the whims and caprices of the superior executives and not in accordance with the spirit or the letter of the law. Unless this is stopped immediately as an initial step, no other remedial measures will be effective.

From this I come to the other part of the Resolution, namely, the part which deals with the principle of judicial interpretation of taxing statutes. Sir, it is a well recognised principle of law that all taxing statutes should be strictly construed in favour of those who are affected by them. In other words, they are to be interpreted in favour of the subject. This is a principle which has been accepted and acted upon in this country for a long time in all the spheres of administration. But in the Income-tax Department there has been a violent departure, and here this rule of law is more honoured in the breach than in the observance. There are so many matters involved in this Resolution that it is impossible to do justice to even a portion of it within the time at my disposal. Various aspects of it have been dealt with by the previous speakers, but there is one other matter which, as a lawyer, I feel I must bring to the notice of the House. That is the Income-tax Appellate machinery.

The Income-tax Appellate Tribunal ought to be an independent judicial Tribunal and not the mere travesty of it that it is today. In the last Session in the course of a speech I casually observed that the Income-tax

[Pandit Lakshmi Kanta Maatra ]

Appellate Tribunal was a farce and a mockery and the Honourable the Finance Member flared up and protested that I was making a reflection on a judicial body. I at once challenged his claim that it was a judicial body when he said that it was a *quasi* judicial body. That was the status that was claimed for it. If the Honourable the Finance Member claims a judicial status for it, does it lie in his mouth or in the mouth of his Department to say that it should not be placed under the highest Judicial Department of the country? If the Appellate Tribunal is really intended to function as an independent and impartial judicial body, adjudicating the claims between the Government on the one hand and the assessees on the other, how can they assail the very reasonable demand that it should be placed under the authority of the Law Department of the Government of India or under the highest Tribunal of the land the Federal Court? Why should such a body, professedly judicial, be under the complete authority and control of the Finance Department which appoints it? If the pay and prospects or the leave and tenure of service of the officers of the Tribunal are all dependent on the Finance Department can such a body be naturally expected to discharge its duties impartially to the public?

My point is that the Finance Department cannot have it both ways. If you claim judicial character for it, then of course you must make it amenable to the highest judicial authority in the land or the highest law officers of the Crown. Besides, your contention is that you have never in any way interfered with the judgments or tried to influence the decisions of the Income tax Officers, the Appellate Tribunals or the Assistant Appellate Commissioners, then what is your objection to transferring it to the control of the Law Department of the Government of India or under the Federal Court? It seems to me that there is no getting out of this position.

Now Sir, I will draw the attention of the House to a very recent case which appeared in the Press only a couple of days ago and which will throw a flood of light on the general attitude of the Income tax Officers and the way in which the income tax law is administered in this country. People who have a legitimate grievance against the Department, people who have been overtaxed or have been wrongly assessed or who believe that they have *bona fide* claims against the Department, feel that they are absolutely helpless today because the so-called appellate authorities are absolutely ineffective and they are, as a matter of fact, not designed to give relief which is sought of them. They have been simply set up as a sort of make believe. In my opinion, these appellate provisions constitute a prodigious fraud on the law itself and the sooner they are scrapped altogether and the income-tax administration carried on by sheer executive degrees and fints, the better for all concerned because we will then know where we stand. In the case, I am placing before the House, the assessee was the Honourable Sir Iqbal Ahmad, the Chief Justice of Allahabad High Court. He was over assessed and his case was that he was entitled to refund of money wrongly assessed. He made an application to the appellate authorities. The matter was referred by the Commissioner of Income-tax to the Central Board of Revenue. He said

"The claim of the petitioner is extremely belated and he should have put in his claim for the benefits of section 25 (3) during the course of the proceedings for the assessment year 1933-34."

The Commissioner's letter then went on

"The petitioner, however is a Judge of the Allahabad High Court who sits on the Bench to hear income tax references and as he obviously considers that he has a fair claim on the department I do not think it would be advisable to refuse his request"

I am surprised that any man with a grain of commonsense, far less with any sense of responsibility, could have addressed a note like that in respect of a Chief Justice of an Indian High Court. Now let us see what followed. Their Lordships who heard the reference in the Allahabad High Court observed that—

"This remark was open to the interpretation that if the application were refused the assessee might be expected in future to pass unfavourable orders on references by the income tax authorities. If this was what the Commissioner meant, his observation would amount to a gross contempt of court and they would have to take action upon it."

My only quarrel with the Honourable Judges of the High Court is that they did not make an example of this officer, that they did not haul him up for gross contempt of court and award an exemplary punishment by which the Department would have been brought to its senses. The Commissioner was Mr Mullan. The Advocate General, however, who appeared in support of the Income-tax Commissioner put a different construction on this remark of the Commissioner. Their Lordships observed

"The Advocate General explained the observation as meaning that since the assessee was one of the Judges hearing income tax references, his opinion was entitled to respect and should be deferred to." "If this was what Mr Mullan, the then Commissioner of Income tax meant, he expressed his meaning in singularly unhappy language."

Any comment from me is superfluous

Their Lordships said that the assessee had admittedly been overcharged, he had a perfectly good case on merits, another Judge of this Court had obtained relief in similar circumstances and the assessee's application for relief was disallowed. The order of the Commissioner whether right or wrong, was an order 'otherwise prejudicial' to the assessee within the meaning of section 60 (2) of the Act. The reference was therefore competent. The Income tax Officer had materials before him which should have put him on enquiry as to whether the assessee was entitled to relief under section 25 (3) of the Act. The assessee was entitled to his costs.

This case was fought on behalf of the Chief Justice by legal luminaries like the Right Honourable Sir Tej Bahadur Sapru and Dr Kailas Nath Katju.

**Mr. Deputy President** (Mr Akhil Chandra Datta) The Honourable Member's time is over

**Pandit Lakshmi Kanta Maitra** I will conclude immediately. Sir, if this is the way in which the highest judicial officer of the land is treated, if this is the kind of language which officers of the Income-tax Department can use about Judges in India, the House can easily imagine how ordinary assesseees in this land would be treated by the Income-tax Department. Unless these inquisitorial process, these Star Chamber methods in the Income-tax Administration are forthwith abolished and the whole atmosphere purified, it will spell disaster for the Indian assesseees in this country. Sir, I give my whole-hearted support to the Resolution.

**Sir Cowasji Jehangir** Mr Deputy President, this is not the first time in this House that the Income tax Department has been criticised. Up till now, during my eleven years' experience of this House, the House never took those criticisms very seriously, and I think they were perfectly right. But today, it must be admitted that from all parts of India you are getting criticisms of the Department of a character we have never heard before. It is not confined to one part of India or to one class of people. This criticism, I may say, is universal, far more severe than ever heard of before. There must be some cause there must be some reason. We have been trying to assist the Government to reform the Income tax Department. We have never refused any legislation, or any request made by Government to increase the efficiency of the Department, and to expand the Department. Further expenditure to improve the efficiency of the Department is in the hands of the Government themselves. I do not think there is anybody in this House who would be against improving the efficiency of the Department or against taking any measures for doing so. But when complaints come of harassment, of injustice of inequitable treatment, I do think that the Honourable the Finance Member should look into this matter to see if the position cannot be improved and not treat these criticisms so lightly as Finance Members were accustomed to and the House was accustomed to treat them say five or seven years ago.

The second point in the Honourable the Mover's Resolution is about the Appellate Tribunals. We have not had sufficient experience of their work and I would be loth to criticise any man or any Government servant without knowing more definitely the experience that they have, the qualification they possess and other things. But taking it on a wide general principle, if this is to be a judicial inquiry as it is expected to be, it is certainly not right that the Finance Department or the Central Board of Revenue should have anything to do with their appointment or re-appointment. And the claim that this Tribunal should be under a High Court is, I think, a very legitimate demand.

**The Honourable Mr M S Aney** There is no demand to place them under a High Court.

**Sir Cowasji Jehangir** It is suggested that it should be under the Federal Court, but I do not know if that is possible. Therefore, I mentioned a High Court and I would suggest the Calcutta High Court for all these Tribunals whether they work in Bombay or Calcutta or anywhere else. After all we are all human and if our re-appointment is in the hands of a body who is either the plaintiff or the defendant before us, it is only likely that we would be influenced by the fact that the plaintiff or the defendant has in his power the extension of our service. I know that they have been appointed on the recommendation of the High Courts and it was a very wise thing to have done. I will again repeat that I have nothing to say against these appellate courts and we have not had enough experience of them. They may turn out to be very good judicial bodies and give satisfaction to the public. But they are working under difficulties and I would ask that those difficulties be removed.

The third point that is raised is about these central commissionerships that have been brought into existence by the last amendment of the

Act I happen to have been a Member of the Select Committee,—not that I can say definitely that I have any vivid recollections as to what exactly took place in the Select Committee on this point, but I would be strongly against Government repudiating undertakings given by a Member of Government on a previous occasion. It would undermine the very foundations on which Government is built. The word of an Honourable Member of Government, uttered in this House, should be as good as legislation, and we depend very often as to how a section should be interpreted on the explanation given of it in this House by the Member in charge of the Bill. In a remote contingency, even the courts of law have sometimes to consider what was said in the Legislature when legislation was being passed.

Now, I have a very short time at my disposal to examine the Select Committee's report and Sir James Grigg's speech. But let the House be reminded as to how that speech was made. Our Honourable friend from Sind, Mr Lalchand Navalsrai, moved an amendment that these Central Commissioners be not brought into existence as he thought that the Department was top-heavy, and he moved that the suggestion, endorsed by the Select Committee be omitted from the Bill. And in response to certain criticisms Sir James Grigg made a speech which, in short, was this, that they wanted the administration to be strengthened, that the Select Committee had pointed out that there was a great variance with regard to fines in the different provinces, that in order to get over that difficulty he thought it would be better to have these Central Commissioners, and also in some cases he thought co-ordination was necessary, and so on. He also said in his speech that he had given his reasons in the Select Committee for having suggested the creation of these posts in this Bill. So far as my recollection goes, what he said was correct, that he had given his reasons in the Select Committee. There was opposition in the Select Committee to the creation of these posts on grounds other than those given by my Honourable friends in this House and to explain all this the Finance Member did give these reasons which he uttered in this House. He uttered them in this House in opposition to an amendment which sought not to bring these posts into existence. I see that Mr Sheehy told the Chambers of Commerce that we should rely upon the Select Committee's report and not upon the speech of the Finance Member who was muddled. If any Finance Member was likely to be muddled it was not Sir James Grigg. A clear-minded man we have not had on these Government Benches. I have differed from him and we have had cross words, we have muttered across the table language which cannot be repeated in this House, but as to his clear mind, as to his expression of what he really meant there can be no doubt. To come and tell us now that Sir James Grigg was muddled on any one occasion in this House in giving expression to his views is something I cannot accept.

Now, look at the Select Committee's report. All I find it says is this

The addition made to sub section (2) of section 5 of the Act is intended to make possible the establishment at a central or headquarters station under the Central Board of Revenue of special branches for work of special difficulty or importance."

And what Sir James Grigg was defining in this House was special difficulty or importance. There is nothing in the Select Committee's report to show that Sir James Grigg was muddled or confused or that he was not giving expression to the right point of view.

[ Sir Cowasji Jehangir ]

Now I have nothing to say against Central Commissioners if that brings us more efficiency, and fortunately or unfortunately for myself, I am one of those who have, according to my Honourable friend on my left, been labelled as one of those committing a 'raud', because I come under the Central Department too. All I stipulate is this I want efficiency in these Central Commissioners, I want men who understand their business, I want men who understand the law. I do not want, in Mr Sheehy's words, muddle-headed fools. I regret to say that we have not got the right class of men. It may not be possible to find them just now but we have not got that class of men, and I would apply to many of these Commissioners the term applied to Sir James Grigg,—“muddle-headed”. It is this muddle-headedness which is giving more cause for trouble than anything else. Certainly they have a desire to

**The Honourable Mr M S Aney** The Honourable Member should address the Chair

**Sir Cowasji Jehangir** I am addressing the Chair. I may turn my head anywhere in the House but I am addressing the Chair.

I have no objection to these Central Commissioners but the trouble is that they try to extract as much as they can and they go beyond the law and when it is pointed out to them, I am afraid they are incapable of understanding the law. And I can say one thing with some confidence, that in the opinion of the very best lawyers in India today the Department is administered in a manner which is not a credit to Government and I express that opinion not as my own but am repeating the opinion of some of the most eminent lawyers in India. They have read letters addressed to assesses by those men and they wonder at their ignorance of the law. They try to interpret the law as they think it ought to be, not as it is, and they cause unnecessary harassment and unnecessary delay to Government.

On the very day I left Bombay, two or three days ago, I was talking to an English friend of mine—a very big businessman—who said, “Oh you are going to Delhi. I wish you would wake up these Income-tax people to do their job a little more efficiently and quickly.” I did not realize that I would get an opportunity so soon after my arrival. Now, Mr Deputy President, I will come to the fourth point.

**Mr Deputy President** (Mr Akhil Chandra Datta) The time is up.

**Sir Cowasji Jehangir** Is it up? I will deal with it in two or three minutes. It is difficult to understand what it really means. What I presume it means is this that the Income-tax Officers should honestly try to interpret the law as it is and should not put words into the law which do not exist and try to catch the assessee under an imaginary law. I have evidence on that which I will be pleased to produce—I am not going to make it public here as there is no necessity to do so. But that is the intention of the Department, to interpret the law different to what it is, different to what any judge would interpret it, in order to extract more from the assessee and as I say, I have evidence of that mentality. Now, what we want in the Income-tax Department, if we cannot get sufficient efficiency, is an honest mentality and that can be instilled from the top—an honest mentality, a mentality to do the right thing, a mentality to serve the Government and the assessee, a mentality which will result in

contentment both to Government and to the assessee. But a mentality merely to please the officers at the top by extracting more money by hook or by crook, a mentality that will not read the law as it is, that is a mentality that is to be discouraged and that is a mentality that has been encouraged in the Income-tax Department today. This is a wrong mentality and a mentality that can be corrected if the Government desired to do so.

We have heard of an official circular—I do not think that such a circular should have gone round—that “you must get another crore.” Get what is right. Do not let off anybody. Catch fraud and deal severely with those who commit fraud, but do not go on harassing those who, you know, are trying their best to interpret the law and to see that Government get their proper dues.

**Mr Muhammad Ashar Ali** (Lucknow and Fyzabad Divisions, Muhammadan Rural). Sir, in this House we have heard today some talk about discrimination, and I ask the House “Is it something very extraordinary?” Haven’t you got experiences of discrimination? I submit it has been the rule of this Government of India to discriminate between Indians and the Europeans. Sir, I am not at all surprised over what my friend, Sir Abdul Halim Ghuznavi, has said, that there is much more discrimination so far as the Income tax Department is concerned. I submit that it is not something very extraordinary. Are my friends surprised over this discrimination? If they are not surprised over this discrimination, they should not come out with such complaints. They should say “Well, we have had our life experiences about such discrimination, and we now ask the Government to at once remove these discriminatory provisions and actions and words now, here and today, as we know what the conditions in India and outside are.” And I ask the Government to beware that this is the feeling of the House. Every Member who rises in his seat today says that there is discrimination between Indians and Europeans and if the Government think that we are wrong then they are, I should say, deaf, they are dumb, they are blind, they do not know what is happening in India. I ask my friends to remember that this discrimination is bound to go on till they attain freedom or till they attain self Government. Sir, with these words of warning to my friends here I will come to the points about the Income tax Resolution.

Sir, during the last October Session, while discussing an amendment to the Income-tax Act 1941—it was section 10 perhaps—on the 27th of October, the Honourable the Finance Member said that the effect of this amendment over the feelings of the assesses will be a soothing one. Were these words uttered without any meaning? What has the House seen today? From every corner of the House we find that there is no “soothing effect.” There is a regular rising against that amendment and against this Income-tax Act. Sir, if my friend’s words were correct, if he intended what he said, I will ask my friends today to see what the feeling in the House is. Well, it may be said that non-official Members create hullabaloo without any reason. It is wrong. It is not the non-official Members of this House alone. Here is a pamphlet of the proceedings of the joint meeting of the representatives of the Bengal Chamber of Commerce, the Indian Chamber of Commerce Calcutta, the Muslim Chamber of Commerce, the Marwari Chamber of Commerce and the Marwari Association, and they have issued a pamphlet which is in my hand. They say the same thing. So it cannot be said here today that it is only non-official

[Mr Muhammad Azhar Ali]

Members who are representatives of the people of India, who are raising their voice about this Income tax Act. I find from this pamphlet that the meeting was attended also by the Honourable Mr. Sheehy and his departmental people.

I am glad to find from the proceedings that Mr. Sheehy himself was sympathetic to a great extent. The replies he gave to the objections raised in the meeting were sympathetic. But this lip sympathy is not wanted; it is sympathy in action that is wanted. If our friend, Mr. Sheehy, was sympathetic, I say on the floor of this House that his Department and the Income tax Commissioners are not at all sympathetic to the assesses in India. Their sole object, as has been stated by previous speakers, is not to work the Department in such a way as to create a soothing feeling in the country, and, therefore, I have risen today to speak on this Resolution. As for complaints in my province, fortunately I too have brought that very paper which has been read by my friend, Mr. Maun, here today about the Chief Justice's claims, and I need not go into it again. But it does reflect very very badly on the working of the Department. If our friends on the Treasury Benches think that they can brush aside the opinion of High Court Judges and the opinions of Members of the Legislature, they are welcome to do so, but remember this is not the way in which a soothing feeling can be created in the country. These income tax assesses, what are they? Today they are the milch cow, today you are getting money from them. Do you want to annoy them? Do you want to create a feeling against your Department? I would say that Government ought to be careful. I find in this very pamphlet that a very important gentleman in Calcutta, Mr. Khaitan, a member of this committee, said that at present it is desirable that good relations are maintained between the government and the public. I submit it was a very good and very friendly advice that he gave to Mr. Sheehy and his staff, but what we find is, just a few days afterwards this Resolution coming from Sir Abdul Halim Ghuznavi.

We used to hear in former days that when we Indians went to any government officials' house to see any official, we had to sit outside the bungalow and we had to remain standing outside the bungalow, and if luckily we were given a seat, it was in the verandah of the house—whether we were Members of the Legislature or Nawabs or Rases. It is that very practice that has been renewed by this Income-tax Department. I have learnt from many noble and big gentlemen who were paying thousands of rupees as income tax of the way in which they are treated. They have to sit or stand under the trees; they have to wait day after day with their *basias*, their account books and everything. Is this the treatment to be meted out to such a milch cow? I submit it is not. I would ask the Finance Member to issue instructions that these very gentlemen who go with their books and papers simply for inspection of the Income tax Commissioner or Officer—several of them are very rich and respectable people—are not made to stand under trees. If they have a car they have to sit in the car for hours and hours and from day to day. I am not telling fibs, but if our friend, the Finance Member, will inquire from Mr. Sheehy himself I am sure he will support the statement I am making, that it was one of the complaints before him when he went to Calcutta to inquire into these complaints. I would ask the Government to take care that people are not harassed. Specific instances have been given by my friend, Sir Abdul Halim Ghuznavi and by other friends here, and so I need not go



into them, but I would say in the end that Government ought to stop this harassment of people from whom they expect thousands and lakhs of money

Something has been said that this department ought to be placed under the High Court or Federal Court it has been explained by Sir Cowasji Jehangir and others who followed him, but I would also say that generally the reply to any complaint is "You can go to the High Court in appeal" Is that correct?

**Dr P N Banerjee** That is only on a point of law

**Mr Muhammad Asghar Ali** It may be on a point of law. But what do they do? If I go and make a complaint that your Department has done like this or like that, they will say "Go on appeal" This is not the lesson we want to learn from the Department, we know where to go on appeal and where not to go on appeal, but is this Department there simply to increase litigation in the country? I submit there is sufficient scope in other Departments to increase litigation, but if this Department where the government get their money from the public, exists merely to increase litigation in the country and to increase wastage of money, to the assessee, I submit it will not be a wise policy. That very money government can realise by way of assessment rather than drive people to go on appeal from one court to another court

I am sorry that my friend, Mr Maitra, when he took up that case of the Allahabad High Court, also mentioned the name of one Mr Mullen, who is one of the officials of the Department. He was in the United Provinces then when he made those remarks about the Chief Justice of the High Court. Now this is the very same Mr Mullen himself who has created all this hullabaloo in Bengal. I submit that there is something wrong somewhere—either he is muddle-headed in his work, or somebody else

**Pandit Lakshmi Kanta Maitra** Mr Mullen would not have dared to make that observation if the Chief Justice had been a Britisher

**Mr Muhammad Asghar Ali** He may or may not have done it, but I say this is the very same gentleman who created this feeling in Calcutta on account of which Sir Abdul Halim Ghuznavi has come before this House with this Resolution. So the genesis of this Resolution is Calcutta and it has been created by Mr Mullen

**The Honourable Sir Jeremy Baisman** The Honourable Member is quite wrong. The commissioner in charge of this special circle is an Indian gentleman, not Mr Mullen

**Mr Muhammad Asghar Ali** He may not be the head of the Department, he may be a subordinate, but he was present when these proceedings were taken in Calcutta and Mr Mullen was replying. But my inference is that he is the man who has created all this muddle.

**Mr Deputy President** (Mr Akhil Chandra Datta) The Honourable Member's time is up

**Mr. Muhammad Azhar Ali.** As my time is up, I shall not say anything more at present

**Mr. Husenbhai Abdullahai Laljee** Sir, after what my friends have said on this subject, there is very little for me to add, but there are a few points made by my friend, Mr. Chapman Mortimer, and, I think, I should reply to them. There is nothing more left to be decided or considered now, as my friend suggested. Even now the distinction between Indians and Europeans exists in this country. Go to any Government office, go to any European business firm, and you will at once notice the remarkable difference made in treatment between Britishers and Indians. Though there are only a few remnants of Europeans left in this country now, this discrimination is still observed, and one does not know when even the small remnants of these Europeans will go from India before the end of the war, and yet preference is given to them in all matters. I will tell the House a small instance of what happened in the Income tax office when I appeared before an Income tax Officer seven or eight years ago. I was explaining to the Income-tax Officer my accounts, and just then a foreigner, but a European of course, sent in his card. Without waiting for the reply from the Income-tax Officer, the European came in and at once said "What do you mean by calling me a liar?" The officer in reply said that he did not call him a liar. Then the European said "My Babu brought the books to you, and you would not accept them, it amounts to calling me a liar." I was quite surprised. The poor man, the officer said there was no Babu who had come to him. I have come from Calcutta and everybody who is employed in my office is called a Babu, said the European. But the Income-tax Officer again said "I did not call you a liar at all. Then the European retorted and said "If you don't accept my statements it means you call me a liar. I specially employ lawyers and they know the law and the making of the accounts better than you know, and by not accepting my accounts you seem to think that they do not know their job, I am not going to pay you a copper more." This is the attitude that is adopted by many of this class of people, and in spite of that they are given preference in all matters. Sir, I wish the Government Benchmen, and specially my friend, the Honourable the Finance Member, will now make it perfectly clear to the Income-tax Officers of his Department that it is due to the Indians that they should be given all regard and respect due to them. While I am on this subject I may point out one thing more. Nowadays we find that the big bugs, as we call them,—with all deference to my friend, Sir Cowasji Jehangir,—I mean the big businessmen,—do receive better treatment, but middle class and people in the districts are not so treated,—and I represent seven districts in the Bombay Presidency,—and they are not being treated so fairly and justly, they are not being treated sometimes even as gentlemen, even though they be big businessmen or landlords. This is our main complaint. That is the reason why we have not got the sympathy of the masses of our people in our endeavours to do all that we think is necessary. It is this sort of callousness, it is this kind of ill-treatment, that is responsible for all this. Change your attitude towards the people, and a large part of the trouble will disappear.

Then, Sir, when the Indian assessors produce their books,—many of them being small traders,—do not know what exactly they have to show and I think it is but fair that the income-tax authorities ought to take from them only as much amount as is legitimately due based upon their actual

volume of business. The Department should instil confidence in the minds of these people, they should help the people in putting their accounts in order and take only as much as is legitimately due from them. Sir, I have known of cases in which merchants have placed all the facts and figures before the Income-tax Officers, but in spite of the clear exposition of their accounts, some of the items have been disallowed. For instance, if a man has got a vehicle to go to his office or *pehdi*, the expenditure incurred on it is disallowed on the ground that he does not use it the whole day.

When with regard to the question of Appellate Assistant Commissioners and Appellate Tribunal, these people are now put on trial as it were. But surely, these people can be put in such a position that they are not under the Inspecting Commissioner, or the Commissioner of that very Division. If that is done, then, surely, they can be expected to be more impartial or fair to themselves as well as to the assessee. The example that Mr Bajoria quoted is one from which one ought to take a lesson. If you get a note from the head of your Department, surely it is very difficult for one to brush it aside when an assessee's claim is adjusted.

Then, Sir, much has been said about what Sir James Grigg had said. I may frankly tell this House, and I admit it, that an understanding was brought about between Sir James Grigg and Mr Bulabhai Desai, and later on Mr Jinnah also joined.

**Dr P N Banerjee** You acted as the broker.

**Mr Husenbhai Abdullahbai Laljee** You may call me a broker on anything you like, but I am proud to say that I was able to bring them together. What was the position then? My friend, Mr Chapman Mortimer, is not here, but I will tell you what the position then was. In the Congress camp, there are three divisions, one party, a large party of capitalists was going one way, there was another party which thought that they would be the future Government and they wanted to get as much tax as was possible for the provinces, and the third party was headed by Prof. Rauga and others who said fleece every rich man and let us become labourites and socialists. Frankly speaking, at that time the large capitalist class who were after the Congress people made common cause with my European friends. They sat for days and days together for devising ways and means to see that any of the clauses which the Finance Member put in did not go against their interests. This is a fact which nobody can deny. Sir James Grigg was quite clear in his mind about what he had said, but he had to face such a great force, he had to deal with three classes of persons behind his back,—the capitalists, the labour and those who thought they would be the future government and that money should, therefore, come to the provinces, because the Government of India had given them the bait that the surplus from income-tax would go to the provincial revenues, and eight provinces of India were then under Congress Governments. Sir James Grigg said what he meant, and there is no meaning in saying that he had not intended this or that. Even a school boy now knows that the interpretation of the English language by Englishmen themselves is a wonderful thing, and therefore if my friend, Mr Chapman-Mortimer, now says that Sir James Grigg meant this or that, it does not surprise me. I am glad that Mr Sheehy openly said what he thought. It may be that he never agreed with Sir James Grigg, but it

[Mr Husenbhai Abdullahhai Laljee]

is certainly wrong on the part of Mr Chapman Mortime to suggest that Sir James Gigg did not intend this or that is if he did not know his mother tongue. As my friend, Sir Cowasji Jehangir, said, what is stated on the floor of the House is always stated after a great deal of deliberation and thought and we accept the word of the Members of the Government. Benches is good as law whenever they say anything in reply to our questions in the House.

Then we come to the Central Department in Calcutta and Bombay.

**Mr Deputy President** (Mr Akhil Chandra Datta) It is now four o'clock, and the House will take up the adjournment motion of Mr Deshmukh.

### MOION FOR ADJOURNMENT

FAILURE TO PROVIDE ADEQUATE MEANS OF TRANSPORT FOR AGRICULTURAL PRODUCE

**Mr Govind V Deshmukh** Sir, I move

That the Assembly do now adjourn

The object of my moving this adjournment motion before this House is to bring to its notice that inadequate arrangements of transport of agricultural produce have resulted in economic ruin of the producers and particularly, short staple cotton growers. As the two Honourable Members for Commerce and Railways are sitting close together, I might clarify the situation. The price of an article depends on the demand for it as well as the means of transporting it in order to meet a particular demand at a particular place. At this stage I do not wish to deal with the demand for a particular article. I have dealt with that subject on previous occasions, and I will solely confine myself to means of transport of a particular article to the market place on which also the price depends. In other words I am not going to deal with that part of the subject with which the Honourable the Commerce Member is concerned but with that part which deals with the means of transportation, the Honourable the Communications Member's Portfolio.

Having made that absolutely clear I wish to emphasise the importance of this subject to the House. The majority of the people in India about 75 to 80 per cent live on land and the rest live on the agriculturist for their industries, and for their salaries. In other words, the Government is maintained by the agriculturist so are the several industries maintained by the agriculturist. If you take this fact into consideration the House will realise the importance of the subject and how important a factor agriculture is to the country. If the food products produced by the agriculturist are not transported, if there are no means of transportation, then the agriculturist does not get the price. The produce is lying with him and he cannot live on the produce alone, for he has to dispose of a certain part of the produce to educate his children, to look after the health of his family members, in other words, it is very vital to him that a very major part of his produce should be disposed of. If there are no means of transportation, of taking these products to the market, then certainly he has to go without them. They are the artery of his life,—these means of transportation. There is another side to it also. In case this produce is not taken

to the urban area where generally it is consumed, there are riots, there is a scarcity of the food produce. When there is scarcity, prices go up. Then there is the factor of dearth.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

And there is such a clamour by persons who get fixed salaries, big or small, that they shout for price control. It has been my habit to say on the floor of this House that there should be no price control—I again say that there need be no price control if the railway authorities really take it into their head to carry this food produce to the urban areas or wherever there is necessity for the same and there would not be much of a difficulty in solving the problems of urban areas, whether as regards price, or when there are disturbances, to put down those disturbances. As a matter of fact there have been disturbances in certain provinces because of the food produce not going there, which I have already said is due to the lack of means of transportation and the dearth of price and scarcity of produce.

Having said that much, as there is very little time, I will now come to my subject proper, the short staple cotton. What was the position about short staple cotton? I have been impressing on the Government of India, and I impressed twice or thrice on the Honourable the Commerce Member, regarding the consumption of the short staple cotton. And he was very good to give his word, and he gave his word—that he in co-operation with his Honourable Colleague, the Supply Member, would try to get the short staple cotton consumed as much as could possibly be done. These are his words.

I am in a position to state on behalf of myself and my Honourable friend the Supply Member that this has been done.

In other words steps have been taken to increase the consumption of cotton. It must be said in fairness after that adjournment motion was moved in this House, the price of cotton did go up, and shortly after that, a communiqué was issued that 400,000 bales of short staple cotton would be consumed that the specifications committee had come to the conclusion that they could very well by reducing the specifications required in several equipments of the army have 400,000 bales of cotton consumed. This was what the Honourable the Commerce Member with the help of his Honourable Colleague, the Supply Member, had done. But what was the result? You give by one hand and take away with the other. A promise was given, a declaration was made that 400,000 bales would be consumed, but there were no means of transportation. You say, "I will give you this." Then somebody gets in and deprives me of the benefit that I would have got. I had asked in that debate whether it was possible for all the Members of the Government to bring about this result of increasing the consumption of the short staple cotton and saving the agriculturist, and, when a promise was given, whether it was on the authority of any individual Member or on the joint responsibility of the Government. I was told

"The Commerce Department and the Supply Department are both considering this question. My Honourable friend threw some doubt on the question whether an assurance by an individual Member is equal to an assurance by the Government of India. I do not want to enter into the theoretical issue of joint and individual responsibility, but I can tell you that any Member from these Benches who gives an assurance gives it on behalf of the Government of India and no question of personal assurance can at any time arise."

[Mr Govind V Deshmukh]

This was the assurance, and where was the co-operation? The two Members, the Commerce Member and the Supply Member, acted in co-operation. My friend then addressed his colleagues as Honourable colleagues and his action was a gracious action. How am I to describe this action of the Government? Part of the Government gives me a gift. The other part non co-operates and takes away the gift that was given. I can only compare this with a story which I heard in my boyhood days. A gentleman who was a priest went to his host, a big jamundai, who gave him sumptuous gifts. He said "All right, you now go. The priest went away. What happened was this. He is the jamundai had instructed his men to go and loot him i.e., the priest when he had crossed the boundary of the village, and the gifts given were brought back. This is the sort of thing that has happened in this case. Part of the Government gives me a gift. The other part takes it away. Here the Railway Member takes it away. I do not know whether there is joint responsibility for each and every action. I hope in this particular action of depriving me of my gift there is no joint responsibility of all the Honorable Members.

This is what I have got to say in regards the short staple cotton. Yesterday I put a question regarding the representative from the Central Provinces Government approaching the Great Indian Peninsula Railway representative. The answer was 'Yes' and when I asked certain questions I was told that wagons would be given, on the preferential treatment that long staple cotton was to be removed. The main contention is that Central Provinces and Berar grow short staple cotton. If my arrangement was to be made arrangement should have been made to give wagons not for long staple cotton but for short staple cotton but what are you doing. You are not helping the agriculturist. You are saying that you are doing this and that but what have you done. You have given 22 wagons for long staple cotton and how are they enough to carry the whole of the cotton of Central Provinces and Berar. As I said you have made it a condition that only long staple cotton would be removed therefore it follows that no short staple cotton bile can be removed from the stations, whenever it may be. As my time is up very nearly, under these circumstances, I submit that the Government is not acting fairly. It should help the agriculturist and I would ask my Honorable friend to take this fact into consideration that the agriculturists were hard hit for the last ten or twelve years. Owing to failure of crops, prices had very much gone down. They are on their very death bed. We want to do something to put life into them and if there is no support coming from the Government then what are they to do. These are the people on whom you rely for maintaining your army and for feeding and clothing the army. It is not an impossibility that some day these people may refuse to grow anything more than what is sufficient to maintain them and their families. Then whence will you get your food crops to maintain and equip the army? Consider this, that on your decision depends the life of so many agriculturists. Sir, I move

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

'That the Assembly do now adjourn.'

**The Honourable Sir Andrew Clow** (Member for Railways and Communications) Sir, I am glad that the Honourable Member has raised this important question. At least it was an important question with which

he began to speak but he got quickly off that subject on to a minor branch of it, though not in itself without importance. The general question which he raised was that of the capacity of the railways to carry traffic from the agricultural areas to the markets. Now, I am sure he is himself aware that the railways are working at the moment under conditions of quite unusual strain. The demands on them for various reasons have gone up in many directions and, particularly, for military traffic and for supplies. They have also had some rather unusual demands such as the demands placed on them in Calcutta one or two months ago. Now we have reached a position in which we cannot meet all the traffic that is offered and we have, therefore, to make such arrangements as we can to ensure that the capacity we have at our disposal is put to the best use.

The Honourable Member has, I think, confined his attention to railways and so I won't stray widely off that point. I agree with him that it is the railways that matter. There have been efforts by propagandists in various directions to convince the public that if we could only organise our transport a little better there will be no difficulty and everything will go on quite smoothly. Those who are familiar with the traffic conditions know that it is a complete error. The lorry service at the present moment can carry about two per cent of the traffic which the railway carry. Although the amount might be capable of some increase, any increase that can be obtained there is negligible compared to the increase that improved running of the railways could secure if that is possible.

**Mr Muhammad Ashar Ali** (Lucknow and Fyzabad Divisions, Muhammadan Rural) Has the shortage of petrol not affected the traffic by lorries?

**The Honourable Sir Andrew Clow.** It has affected the amount of road transport. Nobody said it has not.

Now, what is the proper and sensible thing to do? I never heard the Honourable Member make any suggestion as to the type of arrangements we should make. But I would like to refer to the type of arrangements we are making and have made and to come, lastly, to their effect on what is evidently dearest to his heart, namely, the short staple cotton.

Last July this question was considered by the Transport Advisory Council, and the general conclusion reached was that we should have co-ordinating Boards designed to secure a better use of our transport. The Boards were intended to be set up mainly at centres which are the headquarters of important railways because it is not of very great assistance to have Boards which are not in close touch with the Railway Administrations. These Boards have been set up and have been working in Lahore, in Bombay and in Madras. More recently I have seen that one is being set up in Bengal and I hope that there may be a fifth at some centre in the United Provinces. These Boards are designed to examine the various demands and to advise in what way we should apply our capacity. As the Honourable Member is aware, the Bombay Board dealt with the very question with which he was dealing at the conclusion of his speech, that of the transport of cotton from the Berars and the neighbouring districts to Bombay. Now, the conclusion reached was that in the position which has confronted us there was no comparative necessity to move more short staple cotton to Bombay, because the stocks there were adequate. The

[Sir Andrew Clow:]

difficulty that faces the cultivator who is producing short staple cotton is that its market simply is not there. The war has removed a large part of it.

**Mr Govind V Deshmukh** You give no wagons.

**The Honourable Sir Andrew Clow:** The market is not there and to ask me at a time when there is such a tremendous strain on our transport and when there are urgent needs of all kinds, military and industrial, to take a lot more short staple cotton down to Bombay is just like asking me to take a lot of short staple cotton to a desert and dump it there. There is no point in transporting goods if at the other end they are not required.

Now, I do not want to give the impression that we have not been transporting the agriculturists' products because I fully agree with the Honourable Member that it is one of the vital and most important functions that the railways can discharge. But actually during the last year we have not diminished the provision we have made for carriage of this character.

**Pandit Lakshmi Kanta Maitra** (Presidency Division, Non-Muhammadan Rural) May I interrupt the Honourable Member for a minute? Is it the case of the Government that there is absolutely no market for cotton in Bombay and as such there is no sense in saying that the railways have to bear the heaviest burden?

**The Honourable Sir Andrew Clow:** The fact is that for short staple cotton, the cotton of the type that my Honourable friend, Mr Deshmukh, has in mind, there is an extremely limited market in Bombay. Its market to a large extent was abroad and it has been lost. Even if there was a limited market there are more imperative needs in Bombay, such as the carriage of foodgrains.

Now, let me return to the point that I was making, that is the extent to which we have earned certain classes of commodity in the last year. I have here the figures for wagons supplied from 1st of April last year to the 20th of January this year. I find, for example, that in respect of cotton the number of wagons supplied in that period was four per cent more than in the corresponding period of last year.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official) Short staple cotton?

**The Honourable Sir Andrew Clow:** All cotton. In respect of oil seeds, it was 13 per cent more and in respect of grains and pulses it was about 1 per cent more. The distribution has not been identical. It has gone up on the metre gauge lines.

**Mr Govind V Deshmukh:** When you say 'last year', do you mean to say April 1940 to April 1941?

**The Honourable Sir Andrew Clow:** I am comparing roughly the ten months which ended a few days ago with the corresponding period of the preceding year. If the Honourable Member would like to take the broad gauge separately—and that is, of course, important from his point of



view—, then in cotton we have transported one per cent less on the broad gauge than in the preceding year, grains and pulses two per cent less and oil seeds six per cent more. Now, at a time when we have had to meet extraordinary demands for traffic of other kinds I think that is an extremely good record. I believe that on the Great Indian Peninsula Railway they have been carrying roughly 90 per cent of the cotton they carried in the preceding year.

I would appeal to the Honourable Members to realise that we are doing our best to meet the demands, but if the demands are more than we can meet we have to exercise selection and we are trying to do that as best as we can and with the assistance of the Provincial Governments in the interests of the country as a whole. I do not believe that the transport of this particular amount of short staple cotton to which Mr. Deshmukh has especially referred at the time he has in view was a demand which ought to have been given priority.

**Sir Abdul Halim Ghuznavi** (Dacca cum Mynenssingh Muhammadar Rural). Mr. President, Sir, from what I have heard from the Honourable the Member I understood that he was anxious to help the short staple cotton growers and therefore he asked the Honourable the Communications Member to place more wagons to carry short staple cotton to Bombay. Am I correct? Is that the position?

**Mr. Govind V. Deshmukh**. That was one of the points.

**Sir Abdul Halim Ghuznavi**. My Honourable friend knows that the short staple cotton market was Japan and since Japan has come into the war, there can be no export to Japan of short staple cotton. Therefore there will be no remedy even if the Communications Member could afford to let my Honourable friend have more wagons to carry short staple cotton to Bombay.

**The Honourable Mr. M. S. Aney** (Leader of the House). May I just correct the impression of my Honourable friend, Sir Abdul Halim Ghuznavi? The usual practice of these purchasers is that they purchase in the local market and the purchasers send those commodities by train to the Bombay market where it is held by the middlemen later on. So, there was a demand for the short staple cotton if it was possible for the purchaser to send it on to Bombay where he could have sold it to somebody else. The difficulty was of that nature. As there was no possibility of getting wagons, the person who wanted to purchase the short staple cotton would not go for it because the commodity would have remained there for a long time. That was the difficulty which my friend, Mr. Deshmukh, wanted to explain.

**Sir Abdul Halim Ghuznavi**. It boils down to the same thing. My friend's remedy is not more wagons to carry the short staple cotton to Bombay but his remedy is to press the Communications Member here that he should issue forthwith a communiqué that he is going to purchase short staple cotton because there is no longer the market for that type of cotton and that he should expedite that scheme and purchase it on the spot and keep it there. That is his remedy and not that the Communications Member should give more wagons to carry short staple cotton to Bombay and simply dump it there as there is no market for that cotton in Bombay.

**Mr Husenbhai Abdullahbhai Laljee** (Bombay Central Division, Muhamadan Rural) Sir, a lot has been said and it is true that short staple cotton was being exported greatly to Japan. Sir, it is also a fact that short staple cotton has been very often and in a large proportion used by the mills in Bombay. I am sure that the President of the Bombay Millowners Association who happens to be on the Treasury Benches will agree that a good quantity of short staple cotton was being used in Bombay mills and could be used in Bombay mills when the yarn rates were better. Now, Sir, the position is this. Fortunately, the past President of the Millowners Association happens to be also the Honourable Member for Supplies and he is purchasing a good quantity of piece-goods and cordage made out of short staple cotton. A number of mills in Bombay are thus well fitted for using short staple cotton. The mills in Ahmedabad are not so well fitted. The question has been that no short staple cotton in large quantities was available in Bombay. I am sure, Sir, that the millowners who are making now huge profits over the yarn and not over piece-goods will turn their attention to this if large quantity of ready stock will be available to them.

**An Honourable Member** Are the Bombay mills making huge profits?

**Mr Husenbhai Abdullahbhai Laljee** At the present moment, it is a fact and it cannot be denied that certain of the mills in Bombay as well as in Ahmedabad are anxiously going in for spinning a thing which has happened after 25 years because the margin is very great and because of the fact that short staple cotton which they wanted is of limited quantity available now in Bombay and they can demand as much price as they like. If one were to study the proceedings of the conference that took place recently convened by the Honourable the Commerce Member with regard to yarn rates, one would find that to the great disappointment of handloom weavers the Honourable the Commerce Member could not put any control over yarn rates. I say, Sir, this is the time when short staple cotton could be brought down to Bombay and such other centres in which mills could produce yarn in large quantities. Then it would be in the interest of the handloom weavers as well, it would be in the interest of cotton growers, it would be in the interest of Government who want large supplies because they would get cheaper. The question is whether we can bring this about without sacrificing the great need of war requirements. The only question is to bring down short staple cotton to centres where there are coarse count mills. Not having short staple cotton, the industry is at present making huge profit on what they have but they would reduce margin if cotton is available. They make profit for two reasons, firstly, there is big demand and secondly, the quantity of cotton available in Bombay is small. In addition they know that motor transport is not available, that railway wagons are not available and certainly above all the speculators and other stockist businessmen take great advantage of this. If short staple cotton could be steadily brought in, I think it would be to the interest of all concerned.

**Mr Jamnadas M. Mehta** (Bombay Central Division, Non Muhamadan Rural) Sir, I do not think that the real intention of this motion for adjournment is to pass any vote of censure on the Government, but it is to bring in a pointed manner to the attention of the Government the extreme inconvenience and the economic loss which is occurring as a

result of the shortage of transport. The House is aware that the pressure on the Railways on account of war requirements is so great that every consideration should be shown to Government in trying to adjust the requirements of the army on the one hand and the civil population on the other. Some friends here and the public in general are under the impression that it is the shortage of wagons that is primarily responsible for the present condition. The Honourable Member for Communications will agree that it is not so. He will agree that he can bring any number of wagons to a given place if operational difficulties were not in the way. It does not merely depend on the number of wagons you have got, but it depends also on whether you can bring and operate these wagons on congested lines. After all the railways have got only one or two tracks and if that is congested you cannot move the same amount of transport whatever may be the available number of wagons or carriages. In addition to the demand for wagons, the demand for every other transport is so great that operational difficulties come in the way. That aspect of the problem is not present in the minds of the public. I am of opinion that much more can be done to remedy this state of affairs than is done now. Nobody disputes the adverse result of the present shortage of transport on the economic life of the country. After all it is the primary condition even of war effort that the continuance of civil life of the community should run as close as possible to the normal. If the civil life is paralysed, war effort will considerably suffer. Therefore, even in the interest of war effort, it is absolutely necessary that the closest possible attention should be paid to the need of the civil population consistently with providing the army with all they need. The question therefore is whether adequate attempt is made or is not made so far as the needs of civil life is concerned, consistently with the requirements of war. I say, Sir, much more can still be done. For instance, all the race specials should be cancelled. Why are race specials necessary in these times when they strangle the civil life of the country. In Bombay I notice that the race specials are going on normally. Why should the race-going gentry be allowed to choke the normal economic activity of the country. They should be put off the track. I would therefore earnestly invite the attention of the Government that all over the country race specials should be stopped to make room for other traffic. The wagons being there, they cannot be moved partly because race specials choke the track. I therefore suggest that Government could do much more than they have done already. They should abolish the race specials during the continuance of the war. What are these race specials for? They are supposed to improve the breed of horses, but thereby the breed of men is deteriorating.

**The Honourable Sir H. P. Mody** (Supply Member) But that is no fault of the horses!

**Mr. Jamnadas M. Mehta** I think the Honourable the Supply Member must be one of the stewards of the Bombay race course. I do maintain that every race special should be abolished during the continuance of the war and see what its effect is on the improvement of transport facility.

The next point is that all saloons for officials who do not require them, except as necessity for war, should be stopped. One man travels in a big saloon singly, while the space occupied by the saloon can more profitably be used by having a goods wagon carrying 50 tons of supplies.

[Mr Jamnadas M Mehta]

Therefore, I suggest that while the number of saloons cannot altogether be abolished they must be seriously curtailed, as much as possible. That is my second suggestion.

The next suggestion is that as soon as these wagons are released or these other transport facilities are released, they should be moved as often as possible not merely on paper advertisements, but with the closest attention to the needs of the peoples where they are required. My Honourable friend, Mr Deshmukh, has pointed out the difficulties of the cotton growing people, but they are not the only people. I speak of the irrigation tracts in my constituency. What is happening there is that thousands and thousands of acres of land are under irrigation producing sugarcane. Many of the peasants who grow sugarcane manufacture it into *gur*. Now what has happened is that *gur* traffic is choked. I have received more than one representation signed by Associations of merchants who tell me that they have produced and manufactured *gur* worth lakhs of rupees which they sold out to merchants in Gujarat. But from Ahmadnagar and Sholapur they cannot get transport to markets where they have contracted to sell the *gur*. What is the result? The result is that this *gur* remains where it is, the prices go down because the goods are not cleared. The manufacturers do not get cash for it, they cannot pay the labourers who manufacture the *gur* or who grow their sugarcane. The Irrigation Department in the Bombay Presidency demand irrigation dues from these very people who have got markets where they can sell but for want of transport their *gur* cannot go. Then money is not realised, they cannot pay to the Irrigation Department who charges a heavy penalty, many of these workers who grow sugarcane and manufacture *gur* are the landless labourers who live on the wages they can get if the *gur* is sold and money realised. So every section of the community is harshly affected by this shortage of transport. The grower of sugarcane is in difficulty, the manufacturer of *gur* is in difficulty, the merchant who acts as a middleman is in difficulty, the landless labourer whose living depends upon the movement of commodities goes without a day's wage, and the Provincial Government pounces upon these growers of sugarcane for their irrigation dues which the peasants cannot pay because the *gur* which is manufactured does not get transport.

These are plain facts and if the civil population is throttled in this manner, where will Government find the people who will finance the war? The civil population is the foundation of it, and therefore in my humble opinion Government must make a further and more determined effort in the interest of protecting the primary producer. Finally the consumer has his own grievances on account of this acute shortage: the middleman, the actual retailer, gets the opportunity of his lifetime. The price of ordinary domestic coal goes up double, rice goes up very high. The price of *gur*, where it is grown and cannot get transport, goes down where it is wanted and does not go, the price goes up. The agricultural economy thus goes out of gear as a result of the acute shortage of transport. It is with the object of drawing attention to the very serious economic position in the country that I support this motion of adjournment, not in the spirit of censuring Government but with a very serious and earnest request that they will bring their energy to bear in a far more serious manner on the question of transport than they have hitherto done.

**Maulana Zafar Ali Khan** (East Central Punjab Muhammadan) Sir, I lend my cordial support to this motion. It is a fact that five hundred thousand villages throughout India are the real habitation of the vast population of this country. Comparatively few live in the cities, it is the people in the villages who by the sweat of their brow produce the wealth which has made this country as great and as glorious as it is. They are faced with a great economic difficulty, and how is it to be removed? The main question is the lack of transport for carrying agricultural produce from the rural areas to the urban areas. The means of transport are,—railways, lorries and buses. Unfortunately, there has been a tremendous strain, as the Honourable Sir Andrew Clow has pointed out, on these means of transport owing to the war. The war-fiend is dancing at our very door and the trouble is coming nearer and nearer. We appreciate the troubles of Government. Had the times been normal perhaps there would have been no necessity of this discussion being raised, but we are living in abnormal times. On the railways many services have been stopped and very few wagons can be placed at the disposal of the producers of agricultural wealth to remove their produce from one place to another. Comparatively very few buses are run owing to the rationing of petrol. What are we to do under these conditions? There was a time in olden days when there were no railways and no buses or lorries and people were more prosperous then. Those were the days of the bullock carts. We can go back to the bullock carts. But I want to make one suggestion, my Honourable friend, Mr Mehta, has made three suggestions and I will make a fourth. If owing to lack of transport it is not possible for Government to help the villager in carrying his produce from the villages to the market, it is the duty of Government to buy up that produce. For instance, 400,000 bales of short staple cotton are lying in some parts of the Central Provinces awaiting removal to Bombay and if it is not possible for Government to remove that cotton to Bombay they should buy it up. We have seen this done in Egypt where all the cotton crop was bought up. All these cotton bales can be bought up here, and the money is very easy to get. England and America talk in millions and in astronomical figures. You can borrow 50 crores of rupees. You who roll in riches can find plenty of funds when your own objects are concerned. For instance, only the other day Mr Churchill announced in the House of Commons that 55 million pounds were sanctioned for raising the pay of the British soldier, on the plea that the British soldier, poor fellow, was fighting on the battlefield alongside the Australians and Americans who get three times as much. When you can pay 55 million pounds in the twinkling of an eye for the soldiers, why not do it in the case of the agriculturists here? Why not at least raise the pay of the Indian soldier? In point of efficiency, heroism and fighting capacity he is much better than the Australian or the Chinese. It would be in the interest of Government, as I said, to buy up the agricultural produce lying somewhere in the rural areas which cannot be removed to markets owing to paucity of means of transport. If you do not come to their help I will have to call upon the poor villager to go back to the old days when he used to travel in *chakkars* and bullock carts. Sir, I support the motion.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Sir, the course that this debate has taken makes it necessary that I should intervene with a very short statement. I would not have taken part in

[Diwan Bahadur Sir A. Ramaswami Mudaliar]

this debate if the adjournment motion had concerned itself purely with the problem of transport but various observations have been made about particular commodities in the course of the debate, and it is, therefore, necessary that I should explain the position of Government. The question of transport itself has been engaging the attention of Government, and the Honourable the Communications Member has pointed out the very grave difficulties that have arisen during recent months. It is partly a question of the wagon, and even more of power, not being able to cope with all the demands that are made on it. Under those circumstances the best that can be done has to be done, and I am certain that the Communications Member, ably assisted as he has been by the advice of the Railway Board and of various transport authorities that have since been constituted, will do the best that is possible.

Now, Sir, reference has been made to particular commodities and specially to short staple cotton. One point I should like to make quite clear is that there is no question of there being any shortage in the Bombay mills or round about Bombay for that type of short staple cotton which used to be exported from the Central Provinces and Berar through Bombay to Japan. Let there be no misapprehension on this issue that for want of that type of cotton any other type of cotton is being used by any of the mills. I gave the assurance after consulting my Honourable colleague, the Supply Member, that the specifications of the Supply Department will be diluted, as far as possible, and that a greater intake of what may be called a very low short staple cotton or as it has been more colloquially termed in the textile dictionary "orphan cotton" shall be made possible. That assurance stands but though it is not possible here and now to estimate actually the exact quantity of short staple cotton that will be used, it will be considerable. Every effort is being made to use that, and I have no reason to believe that for want of this short staple cotton, any of those experiments in dilution of specifications are being held up or that there is any shortage of this type of cotton for the mills. Therefore, my Honourable friends can rest assured that the transport problem to Bombay does not enter into the question of the amount of short staple cotton that is being moved from the Central Provinces to Bombay. There are other reasons why—but I do not want to go into them—there are other reasons why there has been some amount of agitation in certain quarters for the movement of low short staple cotton. The plain fact is, as has been observed already, that much of this low short staple cotton used to be exported to Japan. That export has stopped. Bombay was merely an interim port where it was collected and exported. Now, when that export has been stopped, there is no purpose in accumulating all this low short staple cotton in Bombay beyond that which could be consumed in the mills, even under the dilution scheme. There is no cotton to accumulate in the Bombay island.

**An Honourable Member:** The stocks are very low.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Our information is the reverse, stocks are quite adequate. If, at any time it is proved to the satisfaction of the Commerce Department that the stocks are not sufficient for the mills to use then I am perfectly certain

that our approach to the Communications Member will meet with satisfactory results. I can give that assurance that if any mills at any time feel the shortage and can prove that, the Communications Member will help them, as far as possible.

Sir, as the price of low short staple cotton, as has been raised I should like to make the position quite clear. This morning, in answer to a question I referred to an ordinance that has been issued. That Ordinance doubled the rate of duty on cotton imported into this country. The doubled portion of that duty is meant to be kept as a separate fund and not mixed with the general revenues of this country. That fund will be utilized for helping the grower of the short staple cotton, whether in the Central Provinces, Berar, or any other areas—*Desi* cotton it is called in many of these places. I also made it clear that we are not going to wait for this fund to accumulate but we are prepared—in anticipation of that fund developing,—to use our resources, should it become necessary, for governmental operations. If it is not possible to move this cotton to Bombay for the purpose of consumption—and that cotton may have to be otherwise disposed of, probably by purchases—Government are considering proposals in that direction. We have invited the representatives of the East India Cotton Association and the Indian Central Cotton Committee—two bodies who are experts in handling all questions relating to cotton, its disposal and other matters connected with it—to meet early next week, so that after we have had a discussion with these expert bodies we shall come to final conclusions as to what methods Government should employ to relieve the situation so far as the cultivator of short staple cotton is concerned. I have also had the privilege of consultations with representatives of various State Governments at the end of last week and though we have not come to the conclusion that a certain rigid percentage of acreage should be reduced by legislative measures, I am fairly satisfied that representatives of all the Government have agreed that drastic reductions in the area of cultivation of short staple cotton will be put into operation, and that means that that shortage will come into operation from the next crop the sowing for which begins somewhere in April or May. It does not mean, I should add, that the cultivator will not have any other crop to grow. We are examining the question of alternative crop not merely of long staple cotton which can only be substituted over a small area, but the question of other food grains which can suitably be grown on lands which have hitherto been under low short staple cotton. What further help the Government can give is a matter which is now engaging the attention of the Government of India.

There is one last point that I should like to refer to. Honourable Members are very anxious about the position of the agriculturist. We are all anxious to help them, but Honourable members, even more than the Government, could help the agriculturist in one particular way. What is the meaning of this precipitate fall in the prices of short staple cotton, and cotton generally? There is some bad news from the Far East and the market tumbles down, 20 points down today, another 15 points tomorrow, and so on. What is it due to? There is nothing inherently wrong in the economic situation of this country which justifies the tumbling down of these speculative markets either in Bombay or elsewhere. Let me say it distinctly, with the help of the advice which I have received from those experts who are in a position to give that advice to me, that there is nothing inherently wrong in the economic

[Diwan Bahadur Sir A. Ramaswami Mudaliar.]

situation of the country today that justifies the precipitate fall that has taken place in the prices of some of these commodities. They talk of bulls and bears. I have not adequate knowledge of these gentlemen, but that is the trouble. What is required is that we must have patience, we must have a little more of faith and confidence, faith in ultimate success whatever temporary disasters may overtake us, whatever bad news may come now or within the next few days. If we have that faith, as I believe, all of us have, and translate that faith with reference to every one who comes into contact with us, establish that feeling of faith, we shall do something actively to help the agriculturist with reference to the prices that he can get in these markets. It is so easy to be defeatist in mentality and the bear who wants to press down the prices irrespective of the consequences to the agriculturists starts these rumours, emphasises these rumours, and the prophet of woe is always in a better position than the prophet of meal. It is these prophets of meal who are wanted and it must be the object of everyone of us who has got the real interest of the agriculturist in his heart to translate the faith in us, that no matter what happens and no matter what evil news may come within the next few days, ultimately, the cause of the righteous must triumph and it is that which will help the agriculturist more than any measures that Government may take and Government I repeat, are prepared to take whatever measures are possible in the interest of the agriculturist.

**Mr. Govind V. Deshmukh:** Sir, I am very glad that the Commerce Member has taken part in the debate. As a matter of fact I had reserved part of the argument to which he has referred in his speech for another motion of which I gave notice. As a matter of fact, to start with, I divided my subject in two parts—the demand for the produce of agriculturists, that means the consumption of the produce, and the means of distribution, and I said I would confine myself to the methods of distribution and not deal with the other part—I have already tabled an adjournment motion on the other part and my friend has forestalled me by issuing a communiqué today and having an Ordinance a few days before—after he received my adjournment motion, I am sorry for it. I had referred on the last occasion to the purchase of Egyptian cotton by the British Government and what Burma had done for its crops, and I was very satisfied that he gave me a promise and thereby lifted up the price of cotton by a few rupees immediately after that adjournment motion was moved. Other factors came into existence. Having dealt with some of the points—and I hope I will get an opportunity to deal with the subsequent portion of his speech at the next adjournment motion, I will refer in the rest of my speech to the other two Sirs, Sir Andrew Clow and Sir Abdul Halim Ghuznavi, who have advanced an argument in team. What is that argument? They thought they had secured a victory over me—they said there was no demand during the last ten months. Well, it is a very easy matter to refute them.

**The Honourable Sir Andrew Clow:** I did not say there was no demand in the last ten months.

**Mr. Govind V. Deshmukh:** May I know then what exactly you said?



**The Honourable Sir Andrew Clow** I said that the demand was very limited

**Mr. Govind V. Deshmukh.** I have not heard what the limitation was from the Honourable Member, whether he meant that it almost amounted to no demand. My friend who heard him and followed him and joined hands with him said there was no demand. This adjournment motion relating to consumption of cotton—short-staple—was moved on the 27th October, 1941. In the month of January, 1942, or very nearly the end of December, 1941, there was a communiqué that the specification committee had come to a decision that 400,000 bales of short staple cotton would be consumed. How did they come to that conclusion? There was a demand created. The thing is that they can do it. There was the short-staple cotton here lying, the only thing required was that the means of transportation were required to take this to the other places where it could have been consumed. I hope my friend is now satisfied that there was a demand. Otherwise you may say that the Honourable the Commerce Member created a hoax and that we were taken in. I am not prepared to go to that extent. I believe him.

**Sir Abdul Halim Ghusnavi** I said only there is no demand now.

**Mr Govind V. Deshmukh** How has it disappeared—this demand for 400,000 bales? I may say that you advanced no new argument. The loss of Japan as a customer for short staple cotton was brought about as a result of the freezing of the Japanese assets and because short staple cotton could not be sold to a customer with whom we are at war. But then, even though we lost the Japanese customer there was this customer, the Government of India had created a demand for us by saying that 400,000 bales would be consumed.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** I may point out that the 400,000 bales, which was itself an estimate, was the demand over the period of a year, and in all centres of textile industry in India—not in Bombay alone.

**Mr Govind V. Deshmukh** True, but what I am saying is, here is a centre of short staple cotton in the Central Provinces. Wherever the demand may be, why can't you arrange to remove it from this place? There are 400,000 bales lying here before this demand all over India arose. Why not arrange means of transportation?

As regards transportation—I have to hurry as I have only fifteen minutes to speak in—there are three means—railways, motor lorries and bullock carts. I do not say that this exigency has not arisen because of the war—when I was arguing I had that before me you have cut off petrol and so the motor lorries could not be run, otherwise they could have carried the goods. These goods have to be carried, when purchasers come to the different places in the Central Provinces and want to remove them to different places, Bombay, etc., there are no means of transportation and so they are reluctant to buy, there are very few factories in the Central Provinces or Berar for oilseeds or for short-staple cotton. You have cut off petrol, you have commandeered the buses you have done everything possible to hamper movements of crops which the agriculturist could have disposed of in different places through the buyers from outside places.

[Mr Govind V Deshmukh ]

So far as bullock carts are concerned, we have been so accustomed to this new means of transportation that we have forgotten all about the bullocks. Every agriculturist is reduced to such a penurious condition that he can hardly maintain his bullocks. Look at the condition of the bullocks! The agriculturists thought that the Government had arranged means of transportation for them in such a way that they will go on for ever. They are now going on anyhow, but how long will they go on and to what extent they will be curtailed, I cannot say. So let us take this fact into consideration and so far as the roads are concerned, how can the road be used as it is and for long distances by the agriculturists in their present condition? It cannot be used for long distances. All these factors have to be taken into consideration while deciding whether the case of the agriculturist is strong or not, and I submit it is very strong. Let us remember this, that we are not growing now short staple cotton to the extent we were doing before. The agriculturists have taken lessons because of the times. A point was made by the Honourable the Commerce Member that attention has been drawn to growing other crops. As a matter of fact, I may read from what transpired at a conference on the 26th January in my province, there is a statement by the Government that it has been reduced, the short-staple cotton area, by 50 per cent. If it has been so reduced, certainly the land has been sown with other crops. I will deal with this point when I get an opportunity.

My friend, the Honourable the Commerce Member, has always characterised my speeches as very bitter. Once the Honourable the Commerce Member said to me when I moved my first Resolution that I had made a very bitter speech.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** That is not 'always'. That bitterness has been forgotten.

**Mr Govind V Deshmukh** I am very glad that he has forgotten it. Anyhow it has had a very salutary effect in this way once because it did raise the prices of cotton, and I am taking advantage of the fact that he gave an assurance that he would like to hear the voice of the agriculturist on the floor of the House as often as he could. He said he very seldom heard it. I gave him my promise that he shall hear it as often as I possibly can and I hope he will be satisfied. Last time he said that he would not like to leave the agriculturist in cold storage. I hope he will remember it and put him in a warmer place where his blood can run profusely with the help of plenty of nourishment and sustenance.

**Some Honourable Members** Withdraw the motion.

**Mr Govind V Deshmukh** The Honourable the Commerce Member has given me an assurance, but I have not been given any strong assurance by the Honourable the Communications Member. That is my difficulty.

**The Honourable Sir Andrew Clow** What kind of assurance do you want?

**Mr Govind V Deshmukh** I want an assurance from you to the effect that you will give us wagon for short staple cotton. I have taken my

Provincial Government to task for sending their representative to the conference held here and for taking 22 wagons for long staple cotton, for which we do not care. My question is, why is this kind of preferential treatment given? With whom did the proposal emanate? Did it emanate from you or from the representatives? Did it emanate from the Provincial Government or from the railway authorities. When I asked these questions, my friend said that the discussions of the Railway Board could not be disclosed. I wanted that information, and I put in several questions, because this is a subject in which I am keenly interested, and unless I get a promise from the Honourable the Communications Member that he will supply sufficient wagons for short staple cotton, I am in a very difficult position to decide whether to withdraw this motion or not.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member is not bound to withdraw it, if he does not like to do so.

The question is

"That the Assembly do now adjourn."

The Assembly divided

AYES—17

Abdul Ghani, Maulvi Muhammad  
Azhar Ali, Mi Muhammad  
Bijoria, Babu Baijnath  
Banerjee, Di P N  
Chittopadhyaya, Mi Amarendra  
Nath  
Datta, Mr Akhil Chandra  
Deshmukh, Mr Govind V  
Ghousuddin, Mr M

Lalchand Nivalai, Mr  
Laljee, Mi Husenbhai Abdullahi  
Maitra, Pandit Lakshmi Kanta  
Mehta, Mi Jannadas M  
Murtaza Sihib Bahadur, Maulvi  
Syed  
Neogy, Mi K C  
Razi Ali, Si Syed  
Sant Singh, Sardar  
Zafar Ali Khan, Maulana

NOES—31

Aiyar, Mr T S Sankara  
Aney, The Honourable Mi M S  
Bewoor, Sir Gurunath  
Bhandaikar, Mr K Y  
Cairne, Mr O K  
Clow, The Honourable Sir Andrew  
Dalal, Dr R D  
Dalpat Singh, Sardar Bahadur Cap-  
tain  
Dehija, Mr V T  
Dumasia, Mr N M  
Ghuznavi, Sir Abdul Halim  
Gidney, Lieut Colonel Sir Henry  
Gopalaswami, Mr R A  
Ikramullah, Mi Muhammad  
Imam, Mr Sayid Haider  
Jehangir, Sir Cowasji

Khusaid, Mr M  
Kushalpal Singh, Raja Bahadur  
Lawson, Mr C P  
Maxwell the Honourable Sir Regi-  
nald  
Miller, Mi C C  
Mody, The Honourable Si H P  
Mudhar, The Honourable Dewan  
Bahadur Sir A Ramaswami  
Pillay, Mr T S S  
Prior, Mr H C  
Richardson, Sir Henry  
Scott, Mr J Ramsay  
Spence, Sir George  
Stokes, Mr H G  
Sultan Ahmed, The Honourable Sir  
Tyson, Mr J D

The motion was negatived

The Assembly then adjourned till Eleven of the Clock on Saturday, the 14th February, 1942



# LEGISLATIVE ASSEMBLY

Saturday, 14th February, 1942

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

## STARRED QUESTIONS AND ANSWERS

### (a) ORAL ANSWERS

#### REALISATIONS UNDER THE EXCESS PROFITS TAX ACT

28. \*Mr. Jannadas M. Mehta. (a) Will the Honourable the Finance Member be pleased to state whether his attention is drawn to a report which appeared in the Press that the realisations under the Excess Profits Tax Act in a period of nine months have so far amounted to about Rs 80 lakhs against the budgeted estimates of Rs 12 crores?

(b) Will the Honourable Member state why the realisations have been so poor?

(c) Is it a fact that the majority of the Excess Profits Tax assessments have not so far been completed? If not, will the Honourable Member state why assessment proceedings under the Excess Profits Tax Act have not been completed in respect of a majority of the assessees?

(d) Will the Honourable Member state

- (i) the number of assessees who have been called to submit returns under the Act,
- (ii) the number of returns so far submitted for the Excess Profits Tax assessment,
- (iii) the number of assessments so far completed, and
- (iv) the number of assessments pending before the Excess Profits Tax Officers?

The Honourable Sir Jeremy Raisman. (a) Yes. The information is not, however, correct. The collection of Excess Profits Tax for the nine months ended 31st December, 1941, was about Rs 8 crores.

(b) Does not arise.

(c) The majority of the cases for which Returns have been received have been disposed of. Such delay as has occurred is due to inexperience and the addition to the responsibilities of the Department of a very heavy volume of new work. The complicated nature of the work with the heavy rate of tax involved has made it necessary for the earlier assessments to be very carefully scrutinised and instructions given to the staff to ensure the proper and sympathetic administration which I promised when the Excess Profits Tax Bill was under discussion in this House. Inevitably this slowed down the rate of progress but as fore-shadowed in Mr Ayers' speech of the 11th November, 1941, there has been a steady improvement in the rate of progress as is shown by the particulars given in the next part of this answer.

Inevitably the cases carrying the largest amount of tax must be the last assessments to be completed, but the amount of tax assessed and the number of assessments made both show a considerably accelerated rate of progress during the four months ended 31st January, 1942. The tax assessed in January alone was over a crore

(d) (i) 9,500

(ii) 4,538, which includes returns for second chargeable accounting period

(iii) 1,955, assessments were completed, and 1,215 other cases were disposed of without assessment orders as there was no liability,

(iv) 1,368

**Mr Lalchand Navalrai** May I know if instructions have already been issued to Income-tax Officers to be liberal and sympathetic, or are they going to be issued now?

**The Honourable Sir Jeremy Raisman** I have pointed out that that policy is already being followed and that all these assessments are carefully reviewed at headquarters

**Mr Jamnadas M Mehta** Are the Government satisfied with the progress of this year's collections?

**The Honourable Sir Jeremy Raisman** Government are satisfied that the progress that is now being made is as good as could be hoped for

**Mr Jamnadas M Mehta** There is distinction between "is being made" and "actually made"

**The Honourable Sir Jeremy Raisman** The Honourable Member talked about the year's collections. I have admitted that in the earlier stages this work was very slow in going under way, but I pointed out that we have now reached a satisfactory rate of progress

**Mr Jamnadas M Mehta** In view of the fact that 11 months are practically over, are the collections corresponding to the eleven months' assessment?

**The Honourable Sir Jeremy Raisman** I shall deal with that in my budget speech, but the present rate of progress of collection is over a crore a month

**Mr Husenbhai Abdullahai Laljee** Are any facilities given for the payment of excess profits tax?

**The Honourable Sir Jeremy Raisman** I think certain reasonable facilities are given

**Sir F E James** Surely every possible facility is given for advance payments?

**Mr Jamnadas M Mehta** Have the assessments made during the last three years been completed?

**The Honourable Sir Jeremy Baisman** Assessments were not due to be made during the last three years. The tax was only imposed less than two years ago and the first returns were not due until about 15 months ago.

#### PRECAUTIONS AGAINST INTERNAL DISTURBANCES

**29. \*Mr. Lalchand Navalsai.** (a) Will the Honourable the Home Member be pleased to state what precautions Government have taken against internal disturbances, if any, in consequence of the War?

(b) Have the Provincial Governments, particularly the Sind Government, taken any such steps under instructions from the Government of India, or on their own? If so, which?

**The Honourable Sir Reginald Maxwell.** I welcome the Honourable Member's question because it deals with a subject of very grave interest at the present time. But I am afraid it is impossible to give a fully comprehensive reply covering so wide a field. All I can do is to indicate the general nature of the measures on which Government are constantly engaged.

- (1) All powers which could be foreseen as necessary to control the public in war emergencies and to preserve public safety have been provided under the Defence of India Rules and by special legislation such as the Penalties (Enhancement) Ordinance and the Special Criminal Courts Ordinance, and arrangements for delegation of powers to local officers have been made in such a way as to secure their effective and immediate exercise.
- (2) As part of its general arrangements for civil defence the Civil Defence Department is organizing all possible measures to maintain morale and avoid panic in any war emergency.
- (3) The police forces throughout the country have been strengthened by the enlistment of about 30,000 additional police and this process is still going on. In addition some 65,000 civic guards have been enrolled and one of their duties will be to assist in the maintenance of order under war conditions.
- (4) Special care is being taken to keep a watch on individuals or organizations likely to assist the enemy by promoting disorder and a certain number of persons have already been detained for that reason. In Calcutta, for instance, a number of goondas have been placed under detention, as it was found that they were taking advantage of the black-out to commit depredations.

In answer to part (b) of the question I cannot, of course, give details of the action taken by each province under its own authority. But all Provinces are working on the lines which I have indicated and there is constant consultation between them and the Centre on the subject. Most Provinces, including Sind, have already appointed officers on special duty to work out plans of action, and precautions to prevent disturbances will naturally be included in such plans.

While Government can and must take all possible precautions in this matter, I should like to point out that the public themselves can do much to make these precautions effective by full co-operation with the authorities.

and by lending their services wherever they are wanted. The public can also help in preventing deterioration of morale which could lead to panic and disorder by steadfastly setting their faces against alarmist rumours and against all activities and propaganda calculated to weaken public confidence or to impair the national spirit of resistance to the enemy.

**Mr K O Neogy** What is the attitude of the Government towards the local organisations which the Congress has in mind in regard to the control of the internal situation in case any emergency arises?

**The Honourable Sir Reginald Maxwell** The Civil Defence Department will, I understand, make its attitude clear on that subject shortly to the public.

**Mr K O Neogy** Will the Honourable Member make a statement at the earliest possible moment as soon as the attitude is determined?

**The Honourable Sir Reginald Maxwell** Such a statement is under contemplation.

**Maulana Zafar Ali Khan** There is an impression abroad that the Government look with suspicion on organisations like the Congress volunteers and the Muslim League volunteers who have the same object in view as the Government have, in order to protect the interests of the public and to safeguard their lives and properties.

**The Honourable Sir Reginald Maxwell** Government welcome the co-operation of all bodies which have the same object as themselves.

**Pandit Lakshmi Kanta Maitra** Is the Honourable Member aware that the services of volunteer organisations, for instance, in the city of Calcutta, are not availed of by the A R P, in regard to victims in case there is an air raid in that city, and that the A R P set their face against these organisations?

**The Honourable Sir Reginald Maxwell** I am not aware of that.

**Pandit Lakshmi Kanta Maitra** May I know what is the exact attitude of the Government of India with regard to the voluntary organisations in the country, which want to help the A R P agencies?

**The Honourable Sir Reginald Maxwell** I have already said that the attitude of Government will shortly be made clear by the Civil Defence Department.

**Mr Lalchand Navarai** Apart from the Congress organisations, if the other organisations appointed volunteers and managed them privately, will Government have any objection to that?

**The Honourable Sir Reginald Maxwell** I have already said that Government welcome the co-operation of all bodies which have the same object as themselves.



**Mr Lalchand Navalrai:** They will give co-operation but if they have their own independent views, will Government respect them or oppose them?

**The Honourable Sir Reginald Maxwell:** It is not a matter of views but of action.

**Mr Lalchand Navalrai:** I am asking with respect to action. Will Government oppose it?

**The Honourable Sir Reginald Maxwell:** Naturally Government would oppose any action that was opposed to the precautions that they themselves were taking.

**Mr Lalchand Navalrai:** Their precautions are also in the interest of the country and to some extent the Government may want to take those organisations into their own hands. That would be opposing. Will the Government do that?

**The Honourable Sir Reginald Maxwell:** I have already made the position of Government clear.

**Mr Lalchand Navalrai:** With regard to clause (b), I should think that disturbances have begun in Sind. Has the Government of Sind taken any steps? If so, is it under the instructions of the Government of India or otherwise? I put a clear question as to what they have done and whether those instructions have been given to them, in view of the fact that dacoities and other disturbances have actually begun in Sind?

**The Honourable Sir Reginald Maxwell:** I have already said that I cannot give details of the action taken by each province under its own authority. Matters of local law and order are the concern of the Government of Sind.

**Mr. Lalchand Navalrai:** Is it not for the Government to give us information after calling for the information and give it for our confidence?

**The Honourable Sir Reginald Maxwell:** Sind has a Legislature and the question can be put to the Government there.

**Mr. Lalchand Navalrai:** If the legislators here are informed of what is happening in Sind, that will influence the Government of Sind. It is the Central Government that should do it.

**Mr President (The Honourable Sir Abdur Rahim):** Why should not the Sind Legislature deal with this question? It is a purely local question.

**Mr Lalchand Navalrai:** We are entitled to have the information. Will Government call for the information?

**Mr President (The Honourable Sir Abdur Rahim):** The Honourable Member has already given his reply.

## DEFENCE MEASURES AGAINST INVASION OF INDIA.

**30 \*Mr. Lalchand Navalrai** (a) Will the Defence Secretary be pleased to lay on the table of the House a full statement showing the arrangements, arial, land and naval, which have been made on the borders and in each Province for the protection of India against the War which is nearing India from the Far Eastern direction?

(b) What protection has been provided against any air raids?

(c) Have any underground shelters been set up at Karachi? If so, at which places?

(d) If underground shelters cannot be set up on account of higher level of sub-soil water at Karachi, what other alternative method has been adopted at Karachi for public safety?

**Sir Gurunath Bewoor** (a) It is not in the public interest to reveal details, but I may assure the Honourable Member that every possible measure has been adopted for India's safety.

(b) On the assumption that the Honourable Member refers to active air defence, the answer is the same as given to part (a).

(c) and (d) These are matters for the Provincial Government to deal with.

**Mr Lalchand Navalrai** May I know from the Honourable Member whether any anti-aircraft guns have been placed in the ports of Karachi, Bombay and Calcutta?

**Sir Gurunath Bewoor** I have said that it is not in the public interest to reveal details.

**Mr Lalchand Navalrai** With reference to (c) and (d), the Honourable Member said that these are matters for the Provincial Government. Is not the Central Government concerned with them at all?

**Sir Gurunath Bewoor** The function of the Central Government is the general co-ordination of civil defence and the administering of advice to Provincial Governments but the actual preparation and execution of civil defence measures are a provincial responsibility, especially as regards matters of detail, as asked for by the Honourable Member.

**Pandit Lakshmi Kanta Maitra.** In view of the fact that we have got a Civil Defence portfolio in the Government of India, do I understand the Government of India to say that civil defence measures, such as air raid shelters, are matters exclusively bordering on the Provincial sphere and that the Central Government is wholly concerned with tendering such advice as may be sought. Is that the position?

**Sir Gurunath Bewoor** Yes.

**Pandit Lakshmi Kanta Maitra** Do I understand that the Honourable Member in charge of Civil Defence is mainly concerned with the defence of the Centrally Administered Areas and not the Provincial areas?

**Sir Gurnath Bewoor** I have stated what the function of the Civil Defence Department is, namely, general co-ordination of civil defence and administering advice to Provincial Governments

**Pandit Lakshmi Kanta Maatra** Do I understand that the Central Government has no responsibility excepting tendering of advice and that it has no initiative of its own?

**Sir Gurnath Bewoor:** Any further question should be addressed to the Member in charge of Civil Defence

**Pandit Lakshmi Kanta Maatra:** It is a very important matter and my question has not been answered

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member has already answered it -

**Mr K C Neogy:** May I put a question which arises directly out of this May I know whether the function of the Civil Defence Department ends with the tendering of advice to the Provincial Governments in such matters or does it extend also to collecting information as regards the steps that the Provincial Governments may have taken in such matters?

**The Honourable Sir Reginald Maxwell** I should require notice of any question relating to matters concerning civil defence

**Sir F. E. James** Is there no direct representative of the Civil Defence Department in this House?

**The Honourable Sir Reginald Maxwell** I have the responsibility for answering questions for the Civil Defence Department

**Sir F. E. James:** Is there no direct representative of the Department or is the Honourable Member answering out of courtesy?

**The Honourable Sir Reginald Maxwell** I represent the Department officially in this House

**Mr K C Neogy** In so far as the Honourable Member stated with reference to clauses (c) and (d) of the question that these are matters for the provincial authorities, may I know whether the Government of India consider it part of their duty to keep themselves informed in regard to such matters and if so, whether they have any information dealing with these two points namely, parts (c) and (d) of the question?

**Mr. T. Chapman-Mortimer** Are not these questions for another day, being matters relating to civil defence?

**Sir Gurnath Bewoor:** The question concerns two departments. Part (a) concerns the Defence Department. It was not quite clear whether part (b) related to active air defence or passive air defence and parts (c) and (d) concerned the civil defence only. As it was a mixed question, I undertook to answer it, after having obtained the information for (c) and (d) from the department concerned. If the question had been divided into different parts, of course, one portion would have been transferred to the Civil Defence Department

**Mr. President** (The Honourable Sir Abdur Rahim) This is a new Department which has been created since the last Session. At any rate, it being a new Department the Chair thinks the best course would be to put down separate questions for that Department.

#### DEMAND FOR A BROADCASTING STATION AT NAGPUR

**31 \*Mr Govind V Deshmukh.** Will the Honourable Member in charge of Information and Broadcasting please state

- (a) if a 10 K W transmitter has been installed at Peshawar,
- (b) if so, whether it is proposed to shift the existing 25 K W at Peshawar to Nagpur to establish a 25 K W medium wave station there, and
- (c) if he is aware that a demand for a broadcasting station at Nagpur has been constantly made and a promise to establish one was given about a year ago?

**The Honourable Sir Reginald Maxwell** (a) The installation of a 10 K W transmitter at Peshawar is in hand

- (b) No
- (c) Yes

#### ARREST AND DETENTION OF MR SARAT CHANDRA BOSE

**32 \*Mr Amarendra Nath Chattopadhyaya** (a) Will the Honourable the Home Member be pleased to state if he had been requested on the 26th December 1941, by the Honourable the Chief Minister of Bengal to put off sending away of Mr Sarat Chandra Bose from Calcutta, arrested under the Defence of India Act, to an unknown destination—at present in Trichinopoly in jail? If his answer be in the affirmative, will he please make a statement as to what led him to take such a step despite the request of the Honourable the Chief Minister of Province?

(b) Is it not a fact that Mr Sarat Chandra Bose had offered co-operation with Government in its war efforts by agreeing with the Honourable Mr A K Fazlul Haque, the Chief Minister of Bengal, to form a coalition ministry in Bengal? If so, will the Honourable Member be pleased to place on the table a statement showing his reason for the arrest of Mr Sarat Chandra Bose?

(c) Will the Honourable Member be pleased to state if he is now in a position to place on the table all evidence he has in his possession against Mr Sarat Chandra Bose regarding the alleged charge of his complicity with Japan against British Government?

(d) Will the Honourable Member be pleased to consider the formation of a tribunal of three Judges to try Mr Sarat Chandra Bose? If not, will he consider the question of placing his case before three Judges of the Honourable High Courts of three different Presidencies, viz., Calcutta, Bombay and Madras? If not, why not?

**The Honourable Sir Reginald Maxwell.** (a), (b) and (c) I am unable to add to the communique issued by the Government of India at the time of the arrest of Mr Sarat Chandra Bose

- (d) No

**Pandit Lakshmi Kanta Maitra.** Apart from that communique, will the Honourable Member kindly enlighten the House whether it is not a fact that at the time of transferring Mr Sarat Chandra Bose from the Presidency Jail, Calcutta, the Honourable Mr Fazlul Haque, the Premier of Bengal, requested the officer to allow him to be there for a few hours so that he might see his ailing wife and children and get ready for going away from Calcutta and that request was turned down by the officer of the Honourable Member's Department?

**The Honourable Sir Reginald Maxwell.** I am not able to give the details of any communication which has been passed between the Government of India and any Minister of the Bengal Government

**Pandit Lakshmi Kanta Maitra.** Is the Honourable Member unable to contradict me if I say that a few hours' time was wanted from the officer who accompanied Mr Sarat Chandra Bose by no less a person than the Honourable Mr Fazlul Haque for the simple reason that his wife was ill whom he wanted to see before he actually left Calcutta? In fact, Sarat Chandra Babu had to leave the Central Jail with a pair of torn slippers, half shirt and a *dhoti*. He could not even take his own bedding and clothing.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member is himself giving information.

**Pandit Lakshmi Kanta Maitra.** I am asking whether the Honourable the Home Member is aware of all this and whether he is in a position to contradict me?

**Mr President** (The Honourable Sir Abdur Rahim) If the Honourable Member knows the facts, what is the good of asking for them?

**Pandit Lakshmi Kanta Maitra.** I am asking whether they are correct or not.

**Mr. K. O. Neogy.** With reference to the answer to part (d) of the question, may I know whether it is a fact that certain cases of detention under the Defence of India Act are proposed to be referred to a Committee on which a Judge of a High Court is expected to sit? If so, may I ask whether a similar procedure is contemplated in the case of Mr Sarat Chandra Bose? If not, why not?

**The Honourable Sir Reginald Maxwell.** Certain machinery for review has been set up in the various provinces. It does not contain a High Court Judge in every province.

As regards Mr Sarat Chandra Bose, I am unable to give any answer to the question at present.

**Mr. K. O. Neogy:** Does the Honourable Member propose to consider the matter and give his considered answer later on?

**The Honourable Sir Reginald Maxwell.** That will be considered in due course.

**ARRESTS OF MESSRS HEMANTA KUMAR BOSE AND PANNALAL MITTER OF THE FORWARD BLOCK**

**33 \*Mr. Amarendra Nath Chattopadhyaya\*** (a) Is the Honourable the Home Member aware of the arrest of Messrs Hemanta Kumar Bose and Pannalal Mitter under the Defence of India Act? Are these arrests due to their connection with the Forward Block established by Mr Subash Chandra Bose?

(b) Is the Honourable Member aware of the fact that Mr Hemanta Kumar Bose had joined the Bengal Regiment in the last War?

(c) Will the papers relating to the arrest of Messrs Hemanta Kumar Bose and Pannalal Mitter be placed before any tribunal?

**The Honourable Sir Reginald Maxwell.** (a) I have seen the Press reports of the arrest of these persons. I am not aware of the reasons for the arrests, which were made under the orders of the Provincial Government, but I understand that Hemanta Kumar Bose has since been released.

(b) Yes

(c) The matter is one for the consideration of the Provincial Government.

**Pandit Lakshmi Kanta Maitra.** Am I to understand that these arrests were made by the Provincial Governments and not by the Central Government?

**The Honourable Sir Reginald Maxwell.** That is what I said, Sir.

**Lieut.-Colonel Sir Henry Gidney.** Is it or is it not a fact that the Forward Block has had dealings with the enemy?

**The Honourable Sir Reginald Maxwell.** I do not think that arises out of this particular question.

**RELEASE OF DETENUS AND NON-VIOLENT POLITICAL PRISONERS**

**34 \*Mr Lalchand Navarai\*** (a) Will the Honourable the Home Member be pleased to state how many members of the All-India Congress Committee are still in prison and what are the reasons for not releasing them yet?

(b) Do Government propose to release the detenues and other non-violent political prisoners? If not, why not?

(c) How many detenues and non-violent prisoners are now in jail and in which prisons?

(d) Have any of them been repatriated to their own Provinces? If so, which? If not, why not yet?

**The Honourable Sir Reginald Maxwell.** (a) Government are not in possession of any list of members of the All-India Congress Committee and so cannot answer this question. There is no reason to believe that anyone (whether a member of the All-India Congress Committee or not) who came within the terms of the Press Communiqué of December 4th regarding the release of Satyagraha prisoners is still in jail.

(b) No further general release is contemplated either of convicted prisoners or persons detained without trial. But both the Government and also Provincial Governments are engaged, or will shortly be engaged, in a review of the cases of persons detained without trial in the course of which these prisoners will have an opportunity of making such representations as they wish.

(c) The number of detenus or security prisoners in jail on the 1st January, 1942, was, 1,025. I am unable to give details of the jails in which they are detained. If by non-violent prisoners the Honourable Member means Satyagraha prisoners, I can assure him that the policy laid down in the Government of India's communique, dated December the 4th, 1941, has been carried out.

(d) All the security prisoners who were in custody in the Deoli Detention Camp have been returned to their respective Provinces.

**Mr. Lalchand Navarai:** Is the Honourable Member unable to know that there are Congress members in jails? Is he not able to know that from the jails?

**The Honourable Sir Reginald Maxwell:** I did not say that there were no Congress members in jail, that is to say, if the Honourable Member means members of the Congress. I said I could not give information about the members of the All-India Congress Committee.

**Mr. Lalchand Navarai:** I am asking about the members of the All India Congress Committee. I want to know whether there are certain All India Congress Committee members in the jails and whether the Honourable Member can give me their number?

**The Honourable Sir Reginald Maxwell:** The question referred to the members of the All-India Congress Committee.

**Mr. Lalchand Navarai:** I am only asking how many members of the All-India Congress Committee are in jail?

**Mr. President** (The Honourable Sir Abdur Rahim) He is unable to give the answer because he is not in possession of any list of members of the All-India Congress Committee. If the Honourable Member wants to put a new question, he can do so.

## UNSTARRED QUESTIONS AND ANSWERS

### 1941 CENSUS OF INDIA REPORTS

11. **Mr. N. M. Joshi:** Will the Honourable the Home Member be pleased to state

- (a) when the volumes for 1941 Census of India will be published,
- (b) whether there are any changes in the nature of the contents of the volumes and, if so, what they are,
- (c) how the religions, castes and tribes are sub-divided and whether he will place on the table of the House the lists of sub-divisions,

- (d) how the various languages are sub-divided, and whether he will place on the table of the House the lists of the sub-divisions, and
- (e) whether the administrative parts of the Census Reports are made available to the students of Census, and if so, how and where?

**The Honourable Sir Reginald Maxwell** (a) The material for the Provincial tables is in the Press and that for the All-India tables will shortly be sent to it but, owing to other urgent demands on the Press connected with the war, it is not possible to give a date by which these volumes will be published

(b) The Honourable Member is referred to the reply given to the Honourable Mr M N Dalaj in the Council of State on the 11th November, 1941, to clause (b) of Question 53

(c) There will be no tabulation by religion or caste but tables giving population by community will be published. In the latter, figures for the tribal community as a whole will appear. The question of sub-division, therefore, does not arise

(d) There will be no tabulation by languages

(e) No

#### DEFECTIVE ENUMERATION IN THE CENTRAL PROVINCES AND BOMBAY PRESIDENCY

**12. Mr N M Joshi** Will the Honourable the Home Member be pleased to state

- (a) whether it is a fact that in the Central Provinces there were not printed enumeration slips sufficient enough to meet the need and consequently blank papers were supplied,
- (b) whether in the Bombay Presidency only three days were given for the work of enumeration and that the enumeration has been found defective, and
- (c) whether suggestions regarding the carrying out of the enumeration by increasing the number of enumerators were received from any quarter and what happened to these suggestions?

**The Honourable Sir Reginald Maxwell.** (a) No such defect has come to the notice of Government

(b) The answer to the first part of the question is in the affirmative and to the latter, in the negative

(c) All suggestions received were duly considered but to ascertain whether this particular suggestion was received or not would involve time and labour out of proportion to its utility

#### MOTIONS FOR ADJOURNMENT

##### BANNING OF THE HINDU MAHASABHA SESSION AT BHAGALPUR

**Mr President** (The Honourable Sir Abdur Rahim) The first motion for adjournment which is to be dealt with now is one standing in the name of



**Mr. Akhil Chandra Datta** Has the Honourable Member obtained the consent of the Governor General?

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions Non-Muhammadan Rural) I have received a reply that the consent has not been granted

**Mr. President** (The Honourable Sir Abdur Rahim) So, this motion cannot be moved

#### ARMY COMMISSIONS TO AUSTRALIANS

**Mr. President** (The Honourable Sir Abdur Rahim) The next motion for adjournment is in the name of Mr. Deshmukh. He wishes to discuss a definite matter of urgent public importance, namely, "the continuation by the Government of India of its policy to give Commissions to Australians in the Indian Army irrespective of protests raised by Indians". The Honourable Member himself is perfectly aware that this is not a question which is urgent within the meaning of the Rules. This very question was raised in the last Session and if it was considered to be a matter for a motion for adjourning the business of the House, it ought to have been moved then.

**Mr. Govind V. Deshmukh** (Nagpur Division Non-Muhammadan) No, Sir, the number of persons who were given commissions in the army was said to be merely eight as if it was mentioned to be the excuse.

**Mr. President** (The Honourable Sir Abdur Rahim) Order, Order, I rule that the motion is out of order.

#### URGING ALLIED NATIONS FOR DECLARATION OF POLITICAL AND SOCIAL EQUALITY OF WHITE AND COLOURED RACES

**Mr. President** (The Honourable Sir Abdur Rahim) The next motion for adjournment is also in the name of Mr. Deshmukh. It suggests that "Sir Girda Shankar Bajpai should be instructed as Agent General for India in the United States of America and who is one of the signatories to the joint declaration signed by twenty-six nations on the 1st of January, 1942, at Washington, to press these nations for an immediate declaration of the political and social equality of white and coloured races as one of the best means to fight and end war". I am afraid questions of this character have led to war.

**Mr. Govind V. Deshmukh** Are you disallowing this motion?

**Mr. President** (The Honourable Sir Abdur Rahim) You want to know the reason why it was disallowed by the Governor General?

**Mr. Govind V. Deshmukh**: Yes, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) The ground given is that the motion cannot be moved without detriment to public interest.

**BANNING OF THE HINDU MAHASABHA SESSION AT BHAGALPUR.**

**Mr. President** (The Honourable Sir Abdur Rahim) The next motion for adjournment relates to the ban on Hindu Sabha Conference at Bhagalpur. The consent of the Governor General has been refused for this motion.

**INADEQUATE ACTION AS REGARDS RELEASE OF POLITICAL PRISONERS**

**Mr. President** (The Honourable Sir Abdur Rahim) The next motion is in the name of Mr Joshi. He wants to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, "the unsatisfactory and inadequate action taken by Government as regards the release of political prisoners as a result of the discussion that took place in the Legislative Assembly at the end of the last Session. The Honourable Member does not say how it is unsatisfactory or inadequate at all. He has left it very vague."

**Mr. N. M. Joshi** (Nominated Non Official) My point is this. I have suggested that all the political prisoners be released.

**Mr. President** (The Honourable Sir Abdur Rahim) Why did not the Honourable Member say so in this motion, that all have not been released?

**Mr. N. M. Joshi** I said that action taken was inadequate and unsatisfactory.

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member knows, the question to be discussed on an adjournment motion has to be definite. However, has the Government got any objection to this motion being moved?

**The Honourable Mr. M. S. Aney** (Leader of the House) Honourable Members must have known of the action the Government wanted to take. There was a statement with regard to the action taken by Government made in this House and if that is the subject of a motion for adjournment, then I submit it is too late for him now.

**Mr. N. M. Joshi** The Honourable Member is not right. The statement was not made in the House. The statement was published after my Resolution was withdrawn. That is the fact. A communiqué was issued on the 3rd or 4th December, not on the day on which the Resolution was discussed.

**The Honourable Sir Reginald Maxwell** (Home Member) We have no objection to the motion, but I would point out that there is a Resolution down for discussion on the same subject on another day.

**Mr. N. M. Joshi** I have not balloted any Resolution in my name.

**Mr. President** (The Honourable Sir Abdur Rahim) There is a Resolution in the name of Mr. Akhil Chandra Datta. The position is this that it will be about the second Resolution for that day. The first Resolution

is by Sir Abdul Halim Ghuznavi relating to income-tax which has been discussed partly the other day and it is not likely to take very much more time

The next Resolution relates to the disturbances in Delhi in which some Sikh processions were stopped by the police. That Resolution is in the name of Mr Govind V Deshmukh

The next Resolution is in the name of Mr Akhil Chandra Datta and it asks for the immediate and unconditional release of all political prisoners and detenus. It seems to me that there is a fair chance of this Resolution being taken up for discussion on that day

**Mr N. M. Joshi:** Sir, I may point out that it really comes within the scope of the ruling which my Honourable friend, Sardar Sant Singh, quoted the other day, that one cannot be sure about a Resolution coming up for discussion on any particular day. The Resolution relating to Income-tax is of very great interest to this House and I am sure it will take a very long time. The second Resolution relating to Sikh disturbance may also take some time. Under the circumstances, I am not sure whether the third Resolution will be reached that day.

**Mr President** (The Honourable Sir Abdur Rahim) No one can be certain about it, but I should think it is likely to be reached

**Mr N. M. Joshi:** I submit, Sir, the subject matter of my motion is of very great importance, and Government have no objection

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable the Home Member has raised a point of order. Rule 12(iv) of the Indian Legislative Rules requires me to consider whether a similar motion on the same subject has not been put down for discussion. Rule 12(iv) lays down

'the motion must not anticipate,—

it is *very imperative*,—

'a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given."

Notice has certainly been given and it has also been balloted for the next Resolution day

**Sardar Sant Singh** (West Punjab, Sikh) May I submit for the consideration of the Chair the ruling given in 1928 in connection with Mr Jinnah's motion. That ruling covers the present motion

**Mr. President** (The Honourable Sir Abdur Rahim) I have considered that ruling. Rule 12(iv) of the Indian Legislative Rules seems to me to be quite clear that the motion must not anticipate a matter with reference to which notice has been given

**Sardar Sant Singh:** I wish to draw your attention, Sir, to this ruling given on 10th March, 1928. The relevant portion reads

"It might be argued, though it has not been argued, that Mr Jinnah might put down a motion even now on the army estimates, but the answer to that argument is that no one could say with any degree of certainty that the motion would be reached. [It may or may not be that if a notice of motion is given by Mr Jinnah it will be reached] either on Thursday or on Friday or will be reached at all. There is no

[Sardar Sant Singh]

reason why the Honourable Member should take any risk. In this view I am not prepared to hold that the motion is barred by anticipation."

**Mr. President** (The Honourable Sir Abdur Rahim) I remember that But the facts of that case were very different from this. As a matter of fact in this case notice has been given and the Resolution has been drawn by ballot. Of course, no one can be certain but there is a probability that it may be reached. I, therefore, disallow the motion as being out of order.

#### DELAY IN GIVING RELIEF TO SHORT-STAPLE COTTON GROWERS

**Mr. President** (The Honourable Sir Abdur Rahim) The next adjournment motion is in the name of Mr. Govind V. Deshmukh who wants to discuss a definite matter of urgent public importance, namely, "the harmful delay that is being made by the Government of India to give effective and immediate relief to the short-staple cotton growers in this cotton season of 1941-42." How long has this delay been going on?

**Mr. Govind V. Deshmukh** It has been going on for the last two months, and I can only bring it up now.

**Mr. President** (The Honourable Sir Abdur Rahim) Was not there a Resolution about it in the last Session?

**Mr. Govind V. Deshmukh** At that time it was November and December and the crop starts.

**Mr. President** (The Honourable Sir Abdur Rahim) The motion is clearly out of order. It is neither urgent nor of recent occurrence within the meaning of the rule.

#### EXPENDITURE FROM INDIAN REVENUES ON MILITARY TRAINING OF AUSTRALIANS

**Mr. President** (The Honourable Sir Abdur Rahim) The next motion is in the name of the same Honourable Member who wishes to discuss a definite matter of urgent public importance, namely, "the expenditure of Indian revenues on the military training of Australians to be appointed as military officers in the Indian army." When did this expenditure take place? Was not this question raised in the last Session?

**Mr. Govind V. Deshmukh** No, Sir. In the last Session all that was asked by me was as to how many Australians were given emergency commissions, and they said there were only eight. To my question whether Indian money was spent on their education they replied in the negative. Now they are being given emergency commissions and trained in some of the centres in India and attached to certain units.

**Mr. President** (The Honourable Sir Abdur Rahim) Did not the Honourable Member have information before, that any money was being spent on Australians here?

**Mr. Govind V. Deshmukh** No, Sir.

**Sir Gurnath Bewoor** (Government of India Nominated Official) Sir, in reply to a supplementary question asked by Sir Henry Gidney I mentioned that no expenditure had been incurred on the training of these Australians because they had already been trained at various other training centres

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable the Mover says that since then Indian money is being spent in training these Australians

**Sir Gurnath Bewoor** That is not true No Australian has been or is being trained at *present* at any of the officers' training institutions in India

**Mr. President** (The Honourable Sir Abdur Rahim) I think the Honourable the Mover should be satisfied with that statement The motion is out of order as it is based on a misconception of facts

#### LOOTING OF HILL PEOPLE OF ALMORAH DISTRICT BY THE KAZAKS

**Mr President** (The Honourable Sir Abdur Rahim) The next motion is in the name of Bhai Parma Nand who wishes to discuss a definite matter of urgent public importance namely the mroad and looting of the hill people of the Almorah District by the Kazaks (numbering about three thousand) who were in possession of arms and weapons When did this take place?

**Bhai Parma Nand** (West Punjab Non-Muslims) It was two or three months ago But we have got this information only just now

**Mr. O. K. Garoe** (Secretary, External Affairs Department) Sir, I have no objection to this motion but I submit that it is based on a misconception of fact The Almorah district, as the House is aware, is one of the hill districts of the United Provinces and the motion is so put as to give the impression that these Kazaks made an incursion into the United Provinces That is entirely incorrect They were in Tibet near about Mansarowar and Kailas, and certain Indian traders allege that they suffered losses at their hands It did not occur in the United Provinces at all nor in British territory They subsequently came into Kashmir but they never entered British India or the United Provinces at all

**Mr President** (The Honourable Sir Abdur Rahim) In that case the motion is out of order

**Bhai Parma Nand** The Kazaks are fed by money supplied by the Indian Government and the people looted are traders who trade between Tibet and these hills

**Mr President** (The Honourable Sir Abdur Rahim) But the incident took place in Tibet and not in British India The Honourable Member has other means of raising the question but it cannot be done on an adjournment motion

LATHI CHARGE BY POLICE ON MOHURRUM PROCESSION AT AKOLA

**Mr President** (The Honourable Sir Abdur Rahim) The next motion stands in the name of Nawab Siddique Ali Khan who wants to discuss a definite matter of urgent public importance, namely, the lathi charge by the city police at Akola on a peaceful Mohurru procession on the 29th January, 1942, as a result of which about 200 persons were injured, some seriously, and the Tazias and Sawaris were abandoned and thus a very serious situation has been created there" As it occurred in BIR, has the Honourable Member obtained the consent of the Governor General to this motion? Has he applied for his consent?

**Nawab Siddique Ali Khan** (Central Provinces and Berar Muhammadan) No, Sir The constitution is suspended there and I can only move it here

**Mr President** (The Honourable Sir Abdur Rahim) But it cannot be moved here without the Governor General's consent The motion is not in order

**Nawab Siddique Ali Khan** Can I apply for sanction now?

**Mr President** (The Honourable Sir Abdur Rahim) It is too late now The rule is that in an adjournment motion the question of urgency is very important and whenever there has been an occurrence before the Session commences and an adjournment motion is sought to be moved with reference to that occurrence it must be put down for the very first day That is a well established rule

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SENDING OF INDIAN MILITARY FORCES AND MATERIALS OVERSEAS

**Mr President** (The Honourable Sir Abdur Rahim) The next motion stands in the name of Qazi Muhammad Ahmad Kazmi who wants to discuss a definite matter of urgent public importance, namely, "the action of the Government of India in sending Indian military forces and materials overseas leaving the actual gates and frontiers of India unprovided for with proper military defences and depending merely on A R P work" This has been disallowed by the Governor General on the ground that it cannot be moved without detriment to the public interest

I find that the Honourable Member has combined three motions under one notice This should not be done, there should be three separate notices

**Qazi Muhammad Ahmad Kazmi** (Meerut Division Muhammadan Rural) Very well, Sir I will follow it in future

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FAILURE TO RELEASE POLITICAL PRISONERS AND DETENUS

**Mr President** (The Honourable Sir Abdur Rahim) The next adjournment motion is also in the name of Qazi Muhammad Ahmad Kazmi He wishes to discuss a definite matter of urgent public importance, namely, "the failure of the Government of India to take steps, in consultation with Provincial Governments, for the immediate release of all political

prisoners and detenus as a measure of reconciliation and for consolidating the Indian opinion for the defence of India, which is extremely important in view of the war having reached the very borders of India."

It is open to the same objection, as the motion of Mr Joshi, that it anticipates another motion which has been put down in the form of a Resolution. It is, therefore, disallowed.

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**Mr President** (The Honourable Sir Abdur Rahim) The next motion is also in the name of Qazi Muhammad Ahmad Kazmi

**Qazi Muhammad Ahmad Kazmi** Sir, I do not wish to move it

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ARRESTS OF AND LATHI CHARGE ON TRADERS AGITATING AGAINST THE PUNJAB SALES TAX ACT.

**Mr President** (The Honourable Sir Abdur Rahim) The next one is in the name of Sardar Sant Singh. He has moved for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely, 'the misuse of the provisions of the Defence of India Act in arresting and charging with lathis the peaceful traders for carrying on an agitation against the Punjab Sales Tax Act.'

The Honourable Member ought to have given some idea of the nature of the occurrence.

**Sardar Sant Singh** The idea is that the Defence of India Act was never intended to be

**Mr. President** (The Honourable Sir Abdur Rahim) I want to know what was the misuse of the Defence of India Act. When did this take place, and what took place?

**Sardar Sant Singh** They have stopped under the Defence of India Act.

**Mr. President** (The Honourable Sir Abdur Rahim) When was this?

**Sardar Sant Singh** It was only recently—about a month back.

**Mr President** (The Honourable Sir Abdur Rahim) What were they doing?

**Sardar Sant Singh** They were observing hartal and they took out processions which were broken and lathi charge was made on the peaceful traders who were expressing their

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\*"That the House now do adjourn to discuss a definite matter of urgent public importance viz the failure of Government of India to provide protection for the life and property of unarmed Indians in Northern India against the armed hordes of Kawks as reported in the *Hindustan Times*, dated 22nd January, 1942."

**Mr President** (The Honourable Sir Abdur Rahim) When did they attempt to take out a procession?

**Sardar Sant Singh** Several processions were attempted and several times lathi charges have been made.

**Mr President** (The Honourable Sir Abdur Rahim) Where?

**Sardar Sant Singh** In Lahore and Lahore Cantonment.

**Mr President** (The Honourable Sir Abdur Rahim) You ought to have mentioned dates, otherwise how are the Government going to meet an allegation like this?

**Maulana Zafar Ali Khan** (East Central Punjab Muhammadan) On the 8th, 9th and 10th of February.

**Sardar Sant Singh** I am not concerned with dates on which lathi charge was made. I am concerned with the abuse of the power given to the Government under the Defence of India Act.

**Mr President** (The Honourable Sir Abdur Rahim) It must be a definite matter. The Honourable Member knows that.

**Sardar Sant Singh** The matter is definite.

**Mr President** (The Honourable Sir Abdur Rahim) What was the nature of the abuse of power that you complain of?

**Sardar Sant Singh** Processions were stopped and when they were taken out against a local legislation with which the Defence of India Act had nothing to do, the processionists were arrested under the Defence of India Act and they were charged with lathis.

**Mr President** (The Honourable Sir Abdur Rahim) Is the Police empowered to take any action under that?

**Sardar Sant Singh** They were empowered under the Provincial Government notification issued under the Defence of India Act that no procession will be taken out in some towns and when the processions were taken out in some towns, traders were arrested and lathi-charged. My point is that the Defence of India Act was never intended for this purpose.

**Mr President** (The Honourable Sir Abdur Rahim) What do you mean by 'lathi charge'?

**Sardar Sant Singh** Lathis were used by the Police and the people were dispersed.

**Mr President** (The Honourable Sir Abdur Rahim) Were any heads broken?

**Sardar Sant Singh** Many. Several persons were sent to the hospital for injuries.



**Mr. Govind V Deshmukh** Some ladies received injuries too

**Sardar Sant Singh.** What I want to censure the Government of India for is for permitting the use of the Defence of India Act which was never intended for this purpose. The Defence of India Act seems to have repealed the whole of the Penal Code.

**Mr. President** (The Honourable Sir Abdur Rahim) I must hold that this motion is not in order. It is an action taken by the Police in the discharge of their ordinary duties.

**Sardar Sant Singh** It is not ordinary duty.

**Mr. President** (The Honourable Sir Abdur Rahim) under the Defence of India Act. And that being so, the matter is on all fours with similar cases laying down that an action taken in the course of the ordinary administration of law cannot be the subject matter of a motion of adjournment. I therefore, disallow it.

**Mr. President** (The Honourable Sir Abdur Rahim) The next one is in the name of Bhubu Baijnath Bajona. He wishes to discuss—

**An Honourable Member** He is not present.

#### ABOUT DEFENCE OF INDIA

**Mr. President** (The Honourable Sir Abdur Rahim) Then there is one in the name of Mr. Deshmukh. He wishes to discuss a definite matter of urgent public importance namely, the urgent necessity of a statement by the Government to allay the growing apprehensions of the public about the defence of India consequent on the recent deterioration of the situation in the Far East and Burma and the mysterious visit of the Chinese Generalissimo, Chiang Kai Shek, to India's frontiers.

I must say that this is a novel sort of motion for adjournment. At any rate, I have not come across a motion of this character before.

**Mr. Govind V Deshmukh** It is not meant to censure the Government.

**Mr. President** (The Honourable Sir Abdur Rahim) I understand that because the Government did not make the statement, the Honourable Member desires, the business of the House should be adjourned. Did the Honourable Member ask the Government to make any statement?

**Mr. Govind V Deshmukh** I am asking now.

**Mr. President** (The Honourable Sir Abdur Rahim) You cannot do so by means of a motion of adjournment. The business of the House cannot be put off by a motion of this sort. I disallow the motion.

## DISPENSING WITH THE QUESTION HOUR ON THE GENERAL BUDGET PRESENTATION DAY

**Mr. President** (The Honourable Sir Abdur Rahim) I should like to take this opportunity to explain to the House, as usual, how it is that no allotment has been made for questions at the meeting fixed for the evening of the 28th February. This year no official meeting, apart from the presentation of Budget at 5 p.m., has been fixed for that day. It has always been the practice in the past years to dispense with questions on such occasions although our Standing Order 10 lays down that the first hour of every meeting shall be available for asking and answering questions.

Under the present procedure for dealing with questions and answers, the Chan is required, long before the commencement of each Session, to allot the time available for answering questions to the different Departments of the Government. In accordance, therefore, with our usual practice no allotment as regards questions was made in respect of the evening meeting for the 28th February fixed by His Excellency the Governor General under section 67A(1) of the Ninth Schedule of the Government of India Act, 1935, and Rule 43 of the Indian Legislative Rules. There will, therefore, be no questions on that day.

## THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

### (AMENDMENT OF SECTION 4)

**Mr. Lalchand Navarai** (Sind Non-Muhammadan Rural) Sir, I move  
12 Noon

That the Bill further to amend the Code of Criminal Procedure 1898 (*Amendment of section 4*) be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence Khan Bahadur Sir Abdul Hamid Mir Muhammad Azhar Ali Sir Syed Raza Ali, Qazi Muhammad Ahmad Kazmi, Sardar Sant Singh, Pandit Lakshmi Kant Mahtia Mr. P. J. Giffiths Raja F. Manavedan Mr. Muhammad Musazam Sahib Bahadur and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, this Bill of mine has been pending for a very long time, —in fact it has been pending for a few years, and, at last, it was allowed by the Government to be sent for circulation. Opinions on this Bill have now been collected and they are now before the House. I am glad that the stage has now arrived when this Bill can be expeditiously passed, and I trust it will not take an unduly long time to the House to commit it to a Select Committee.

Now, Sir, it can straightaway be said that this Bill of mine which wants to amend section 4 of the Criminal Procedure Code pertains to the domain of the legal profession. It affects the legal profession, in particular, as it seeks to improve the condition of the legal profession and also of the litigants, it also helps the courts to lay down as to who should follow the legal profession and who are to be authorised by any law to follow this noble and learned profession. Sir, before I read the section which I want to amend, I should like to point out that the present time is such that we can get qualified and learned men from amongst qualified lawyers to follow the noble profession of law, and, therefore, the appearance of persons in criminal courts should be restricted only to those who

are fully qualified. What the enactment which I want to amend points out is that apart from the qualified members, Honourable members of the legal profession

**Mr Husenbhai Abdullahai Laljee** (Bombay Central Division, Muhammadan Rural) Honourable members:

**Mr Lalchand Navarlal** Yes, Honourable members, it is an honourable profession, if any one doubts it, then I can say that he does not really mean to doubt it. Therefore, what I want to achieve by my Bill is to improve the purity of the pleadings before the courts, to have qualified persons to appear in courts, persons who can put cases before the courts in a fair and just manner, and not unqualified persons who have not even the modicum of academic education or are half educated persons, or persons who merely enjoy the favour or patronage of some of the magistrates.

I think the point involved in this Bill is so simple that I do not think it will need a lengthy speech from me. I shall, therefore, merely read the section which I want to amend and explain briefly what portions of it should be eliminated to give effect to the Bill I have placed before the House. That section is section 4 and it refers to persons who can appear in courts and that section has a definition about pleader. A pleader is a person who passes higher examinations, and then goes through legal learning, and then after passing certain legal examinations, he is enrolled as an advocate, only then such a person can appear in court on behalf of the accused, and it is anomalous that unqualified persons, persons who have no stake, who are not authorised by or responsible under any law should be allowed to practise in courts. Section 4 of the Criminal Procedure Code refers to definitions which have been provided for in the Code itself in order to enable the provisions of the Criminal Procedure Code to be used, and in that there is a clause (r) to section 4 which reads thus:

*'Pleader used with reference to any proceeding in any court means a pleader or a mukhtar under any law'—this is important to note—"for the time being in force to practise in such court"—and the word includes— an advocate, a vakil and an attorney of a High Court so authorised "*

*Then it is said (2)—"any other person appointed with the permission of the Court to act in such proceeding"*

Therefore, this definition allows with the permission of the Magistrate of the Court any person to appear, and it is really very curious that when the definition provides that the pleader, mukhtar or vakil or even an attorney of a High Court has also to be authorised by law to practise in a Court, the Magistrates should allow, in this 20th century, people from the streets as it were, people without any legal learning or training, people who merely wait upon the magistrates and curry their favour, to appear in courts. Such a procedure is really an abuse of the provisions. Sir, in former times there was a class of mukhtars but they were not authorised then, but they were permitted by courts to appear on behalf of their clients. It meant that mukhtars of that kind and any other person, with the permission of the court, could appear on behalf of the accused. In 1923, the Legislature considered that that course was not proper and not suited to the times. At that time their attention seems to have been drawn only to the question of mukhtars who were then causing a very great nuisance. Therefore, the words "mukhtar or" in the Act were deleted, leaving the words "any other person appointed with the permission of the Court to

[Mr Lalchand Navarai]

act in such proceeding". On that occasion the controversy seems to have been with respect to mukhtars only. In olden days, which I may call ancient days, the mukhtars made it a regular profession and, therefore, in 1923 it was considered that they were no more required, and hence they were removed. I think it is but common sense that no other person should be authorised in the present condition of the legal profession than the advocates and lawyers who

**The Honourable Mr M. S. Aney** (Leader of the House) The Government are not opposing your motion.

**Mr Lalchand Navarai** I am just going to finish, I will not take a long time. This is the main portion of my Bill, besides a few drafting changes like the change of this bracket and that. My main point is that the words "and any other person appointed with the permission of the Court to act in such proceedings" should be deleted. With regard to this I have given the reasons in the Statement of Objects and Reasons. In the Statement of Objects and Reasons

**Mr President** (The Honourable Sir Abdul Rahim) The Government are not going to oppose the motion.

**Mr Lalchand Navarai** This might help the Select Committee, I will not take long but I will say a few words. If Members will kindly look at the Statement of Objects and Reasons—I will not read it—they will be convinced that there are qualified persons who are available now.

**Mr President** (The Honourable Sir Abdul Rahim) I think the Honorable Member has said that more than once.

**Mr Lalchand Navarai** I am saying with regard to the lawyers. However, as I shall be on the Select Committee, I shall not worry you any more over this point. I submit that the House will send the Bill to the Select Committee.

**Mr President** (The Honourable Sir Abdul Rahim) Motion moved.

That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 4*), be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Khan Bahadur Sir Abdul Hamid, Mr Muhammad Azhar Ali, Sir Syed Raza Ali, Qazi Muhammad Ahmad Karmi Sardar Sant Singh, Pandit Lakshmi Kanta Maistra, Mr P. J. Griffiths, Raja T. Manavedan, Mr Muhammad Muazzam Shah Bahadur and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

**Mr Husenbhai Abdullahai Laljee** My rising at this stage might be surprising to many Honourable Members here, but I rise to oppose the motion that has been made by my Honourable friend, Mr Lalchand Navarai. My Honourable friend, Mr Lalchand Navarai, relies upon the Statement of Objects and Reasons, but I find that those objects and reasons provide to the ordinary man sufficient reasons to oppose the Bill. I have a very great regard for the legal profession. I know that throughout the country we consider lawyers to be the intelligentsia of the country. We also desire that the lawyers should lead us to do all they can for the good of the country.

Let us see what is really intended by this Bill. A large number of young people who have taken to the law profession do not find sufficient livelihood to maintain themselves, and in order to help them some few persons who are doing some work in the districts are to be replaced according to this Bill. It is the vested interest of the lawyer which has promoted the Mover to bring this measure. We, businessmen, have always been abused, a great deal has been said against us, as being dishonest, as cunning, and what not. High Government Officials have never been spared from being called corrupt or otherwise. Is the profession of law and all the lawyers so honourable that we do not hear anything said about them in this House? But I can say this in all seriousness that all sane and elderly people in the country, even the good women folk, advise their young people to keep away from the lawyers and the law courts.

**An Honourable Member** What do you do yourself?

**Mr. Husenbhai Abdullahbhai Laljee** I am an unfortunate man who has got to go to the lawyers. It cannot be denied that many of them are prospering on the ruins of many of other professions. The difficulty in getting justice is laid at the door of the lawyers.

It is a well known fact that we pride ourselves that we can get good justice now but at what cost? Many people have not got resources to go there. A large number of people cannot get advantage of this justice and even those we can afford to go to these courts are not going because it is very long and costly before they can get any justice. For this reason, many people of the mercantile community and other social bodies have started arbitration boards. Village panchayats had been going on formerly and again have been started and I therefore, do wish and pray that many of our young men intelligent and good do some constructive work in the country instead of being parasites on society and making their livelihood only on litigation. I ask is this fair is it just?

**Mr. Lalchand Navalrai** On a point of order. Is this relevant to my Bill?

**Mr. President** (The Honourable Sir Abdul Rihim) It may or may not be in good taste but it is relevant.

**Mr. Husenbhai Abdullahbhai Laljee** I know very well, Sir, that truth frankly spoken is not in good taste often to interested parties. Businessmen are called all sorts of names although they carry on trade and commerce of the country. Even when the question of price control comes it is the businessmen who are called by lawyers all sorts of names although it is on the earning of businessmen that they prosper. I want to say that many of my young people should be kept away from the law courts as also my countrymen should be kept away from the law courts. I would much prefer to have common law given by our own people in a small *Maylis* or small meeting, or by arbitration.

**Sardar Sant Singh** (West Punjab Sikh) This Bill does not deal with it.

**Mr. Husenbhai Abdullabhai Laljee.** Look at the statement of Objects and Reasons and what my friend says there. He says 'Members of the Bar whose field is now overcrowded are at a great disadvantage'. So, overcrowding of the profession is the whole cause. Every now and then in this House we hear of all kinds of vested interests. I do not want to go into all that now. It is said that the lawyers' profession is a very very honourable profession. No doubt it is an honourable profession, if honestly carried out. But what does my friend here say? He says that the discretion vested in the magistrates and judges is responsible for creation of many in objectionable man enjoying the patronage of the magistrates and judges. What is the meaning? He says that magistrates go out of their way to pick up men in the streets who beg of them to appear before them. These are the gentlemen who are lawyers and who administer justice. It is said that they simply get hold of people in the streets who are beggars and give them patronage. Here is an indictment by the Honourable Member himself of this honourable profession. To tell you frankly there is a check against everybody but so far as lawyers are concerned, there is no check, regularly and strictly observed, in their activities whatsoever. It is said that there is a Bar Council and all that.

I will tell you honestly and sincerely, that we do feel and many regret that nowadays a large number of all kinds of lawyers have been doing their work, to say the least in a wonderful way. They get hold of some person creating in them all sorts of hope and take out of them all what he or she has got. He tries to find out what property or asset they have and the first thing that is thereafter done is to establish as is the practice in the law courts that is that the lawyer has got the first lien for carrying on or for creating litigation on the property and assets before anybody else. All other creditors, the maintenance of the widows, the orphans and even charities and so on take a secondary place. The first thing he does is to get hold of all papers he can. Is this honourable and fair? Is it equitable and justice? Another thing is that they can with impunity appear in any cause, whether it is a good or a bad one. The greatest rogue and litigant in the city or town can get the greatest man among them. Eighty per cent of the counsels, solicitors and pleaders know persons who are well known litigants and also great rogues. Still, if the fees are forthcoming the solicitors and pleaders will get respectable gentlemen of this honourable profession, readily take up a case and get some one to appear for him, and argue his case and no one is there to ask him as to why he had been taking such cases and matters. Many times on pledge of security of various kind these respectable gentlemen take up case and honest people are puzzled how well known litigants and *badmashes*, hirlings, succeed and can manage to obtain service of lawyers who say they belong to the honourable profession and how can these people conscientiously come forward to plead that he is innocent.

**Sardar Sant Singh.** Innocent of that crime.

**Mr. Husenbhai Abdullabhai Laljee.** In spite of this position of lawyers these people call businessmen blackguards, and wish to call themselves honourable. They are doing much worse than could be ever alleged against we businessmen and still pass on or are taken as reliable and honourable in courts.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member is going a bit too far. The object of the Bill is that some persons who are not qualified as lawyers should not be allowed to plead in courts. What the Honourable Member is arguing is that the profession of law should be abolished.

**Mr Husenbhai Abdullahhai Laljee** It may come even to that. It is getting, Sir, so intolerable.

**Mr President** (The Honourable Sir Abdur Rahim) When it comes to that, the Honourable Member can discuss the question. The Honourable Member can very well argue on this motion that persons who are not qualified in law should be allowed to plead. The Honourable Member's argument now is that even professional men are not to be allowed.

**Mr Lalchand Navarai** May I ask if the Honourable Member's son is a Barrister or not?

**Mr President** (The Honourable Sir Abdur Rahim) That does not arise. Order, order.

**Mr Husenbhai Abdullahhai Laljee** The reason why I am saying this is that if we must have only lawyers then it has been and will be very costly.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member has dealt with it already. He will now deal with the Bill.

**Mr. Husenbhai Abdullahhai Laljee** My point is this. If you prevent people of this type from appearing even in small cases before magistrates it is going to be a very costly affair for these poor people. (Interruption) My Honourable friend is only giving me more points for my arguments. The opinions on which he says he relies are, Sir, all those of the lawyers. In small cases it is much better to employ these cheap people. In serious cases, like murder cases and so on, which come before the learned Judges of the High Court, your suggestion may be reasonable but why in ordinary cases should justice for the poor man even be made costly? I entirely disagree with the argument that our young man should stoop so low as to do this sort of work and waste five or seven years as he says in law courts before earning anything. The right thing would be that these young men should also do some constructive good work in the courts, and only such who can do honourably this profession and can afford to do should take this profession as some of our great lawyers have been and are doing.

Even in the interests of the lawyers' sons and the young generation, I submit, these small things may not be given as a bait. If it is found that in the interests of justice, the magistrates or the courts do feel that some of these illiterate people do not properly represent, they have power and then they can take such steps as they think fit. Above these Magistrates are the Judges of the High Courts and the Chief Justice and these persons, able as they are, ought to watch proceedings in courts including High Court as they can certainly call for the records of the lower

[Mr Husenbhai Abdullahbai Laljee]

courts and avoid unnecessary litigation and ruin of people. There are so many eminent lawyers in the country and, surely, my Honourable friend does not mean to suggest that really because of these, people cannot find lawyers any more if they chose to employ them to plead their cases. That is not so. Therefore my own position is that we should not try to make justice costly, and encourage litigation for the benefit of lawyers and that the present practice in the mofassil courts should continue as far as possible in the interest of poor men and in small matters.

**The Honourable Sir Sultan Ahmed** (Law Member) Sir, it is just as well to make the position of the Government quite clear at this stage. The position that we take up is that of benevolent neutrality. All that can be said for the Bill itself has been said and perhaps more than that by the Mover himself. All that can be said against it and even what could not be said against it has been said by my friend Mr Husenbhai Laljee. As the Bill stands and if no modifications are made, Government would be compelled to oppose it but one feels that it is possible to modify the proposals in the Select Committee in such a way as to allow people whose presence may be absolutely essential to appear for the defence of certain classes of cases, and therefore we will not oppose the reference to the Select Committee. There are cases in which perhaps it may be imperative that some provision should be made to allow outsiders to come in though they may not be lawyers. As an illustration I may mention cases of charities where benevolent societies take up the cause of the defence in certain cases through their own men. There seems to be no reason whatsoever why they should not be allowed to be represented by non-lawyers. There are also cases in backward tracts, such as north of Madras, Orissa, some places in the Central Provinces and some other places in India where lawyers may not be available at all and it would be exceedingly hard if those cases are not dealt with separately. There may be another class of cases, for example, defence of Government servants. Departmental officers may be deputed to defend those officers who may be in difficulty and there is no reason why lawyers should necessarily be requisitioned in such cases. Under these circumstances, Government will leave the Bill to the free vote of the House to decide whether it should be referred to the Select Committee or not. Government will remain neutral. If the House decides to send the Bill to the Select Committee then we propose certain modifications which, I am sure, would satisfy the sponsor of the Bill as well as those who may be opposed to it as it stands and yet may accept it with reasonable modifications. It is very difficult, of course to satisfy Mr Husenbhai Laljee. But apart from him, it is possible to improve the Bill in the Select Committee by modification which may be acceptable to the House. We leave the matter entirely to the House.

**Mr President** (The Honourable Sir Abdul Rahim) The question is

That the Bill further to amend the Code of Criminal Procedure 1898 (*Amendment of section 4*), be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Khan Bahadur Sir Abdul Hamid, Mr Muhammad Azhar Ali, Sir Syed Raza Ali, Qazi Muhammad Ahmad Kazmi, Saidar Sant Singh, Pandit Lakshmi Kanta Mastria, Mr P. J. Griffiths, Raja T. Manavedan, Mr Muhammad Muazzam Sahib Bahadur and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

The motion was adopted.



## THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION (AMENDMENT) BILL

**Qazi Muhammad Ahmad Kazmi** (Meerut Division Muhammadan Rural) Sir, I move

That the Bill to amend the Muslim Personal Law (*Shariat*) Application Act, 1937 be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Mr Muhammad Muazzam Sahib Bahadur Kunwa Hajee Ismael Ali Khan Syed Ghulam Bhik Nurang, Maulvi Syed Murtuza Sahib Bahadur, Maulana Zafar Ali Khan, Khan Bahadur Mian Ghulam Kadir Muhammad Shahban, Shams ul Ulema Kamaluddin Ahmed Mr J Ramsay Scott, Mr C P Lawson, Sardar Sant Singh Bhai Parma Nand and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five "

This Bill was circulated for eliciting opinion thereon in the last Session and on that occasion I made my point clear that there were certain mistakes in the Bill which were sought to be corrected by this amending Bill. I need not say anything more at this stage. All the opinions that have been received are in favour of this amendment and I hope the House will accept it.

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

That the Bill to amend the Muslim Personal Law (*Shariat*) Application Act, 1937, be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Mr Muhammad Muazzam Sahib Bahadur Kunwa Hajee Ismael Ali Khan Syed Ghulam Bhik Nurang, Maulvi Syed Murtuza Sahib Bahadur, Maulana Zafar Ali Khan, Khan Bahadur Mian Ghulam Kadir Muhammad Shahban, Shams ul Ulema Kamaluddin Ahmed Mr J Ramsay Scott, Mr C P Lawson, Sardar Sant Singh Bhai Parma Nand and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five "

**The Honourable Sir Sultan Ahmed** (Law Member) Sir there has been a general support to the Bill in the opinions received and we therefore support its reference to the Select Committee.

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That the Bill to amend the Muslim Personal Law (*Shariat*) Application Act 1937 be referred to a Select Committee consisting of the Honourable the Law Member Sir George Spence, Mr Muhammad Muazzam Sahib Bahadur Kunwa Hajee Ismael Ali Khan Syed Ghulam Bhik Nurang, Maulvi Syed Murtuza Sahib Bahadur, Maulana Zafar Ali Khan, Khan Bahadur Mian Ghulam Kadir Muhammad Shahban, Shams ul Ulema Kamaluddin Ahmed Mr J Ramsay Scott, Mr C P Lawson, Sardar Sant Singh Bhai Parma Nand and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five "

The motion was adopted

## THE INDIAN PENAL CODE (AMENDMENT) BILL

**Qazi Muhammad Ahmad Kazmi** (Meerut Division Muhammadan Rural) Sir, I move

"That the Bill further to amend the Indian Penal Code for a certain purpose, be circulated for the purpose of eliciting opinion thereon by the 31st August, 1942 "

This Bill seeks to amend sections 497 and 498 of the Indian Penal Code. I have dealt in the Statement of Objects and Reasons with the whole object of this Bill which is mainly to avoid a large number of crimes that are being committed on account of some laxity in these two sections.

Sir, I move

**Mr. President** (The Honourable Sir Abdur Rahim) Motion moved

'That the Bill further to amend the Indian Penal Code for a certain purpose, be circulated for the purpose of eliciting opinion thereon by the 31st August, 1942'

**The Honourable Sir Sultan Ahmed** (Law Member) Sir, there is no objection to the circulation of the Bill

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill further to amend the Indian Penal Code for a certain purpose, be circulated for the purpose of eliciting opinion thereon by the 31st August 1942"

The motion was adopted

### THE FEDERAL COURT (SUPPLEMENTAL POWERS) BILL

**Dr P N Banerjee** (Calcutta Suburbs Non-Muhammadan Urban)  
Sir, I move

'That the Bill to confer supplemental powers on the Federal Court be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Sir Syed Raza Ali, Nawabzada Muhammad Liaquat Ali Khan, Mr Lalchand Navalrai, Mr Govind V. Deshmukh, Mr P. J. Griffiths, Sir F. E. James, Rao Sahib N. Sivaraj, Major Nawab Sir Ahmad Nawaz Khan, Mr N. M. Dumasia and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five'

Sir, this is a short Bill and it contains only two provisions. The first relates to the power of delegation of duties by the Federal Court to its officers. The Federal Court has, by Order VIII, rule 1, provided for the exercise by the Registrar of certain powers of the Court. The question is whether the Federal Court possesses authority to delegate its duties to any of its officers. Section 214(1) of the Government of India Act gives the Federal Court the power to make rules of court. That section says

'The Federal Court may from time to time with the approval of the Governor General in his discretion make rules of court for regulating the general practice and procedure of the court including rules as to the persons practising'

The power of delegation is not mentioned here specifically. Now, the question is 'Is a specific mention of such a power necessary?' It was held by the Madras High Court and also by the Calcutta High Court that, in the absence of a specific provision of law, a delegation of duties by any of the High Courts was illegal. To meet this difficulty section 128, subsection (2), clause (1) of the Civil Procedure Code was inserted. This clause now empowers the High Courts to frame rules for "the delegation to any Registrar, Prothonotary, or Master, or other official of the Court of any judicial, quasi-judicial, and non-judicial duties". I may be permitted to mention here that section 99 of the Judicature Act of England, 1925, although it contains general provisions empowering the Supreme Court to regulate its procedure, contains also a specific provision about the delegation of judicial functions to the officers of Supreme Court. Thus, it appears that a general provision about procedure cannot be held to cover the delegation of judicial functions. Therefore, it seems to me desirable to settle the matter beyond all doubt. In my opinion statutory authority should be given to the Federal Court to delegate its duties to its officers. I also wish to provide that retrospective effect should be given to this provision.

Now, Sir, the question may be asked Is this Assembly entitled to deal with this matter? My answer is, Yes. Section 215 of the Government of India Act empowers the Federal Legislature to make provision by Act for conferring upon the Federal Court supplemental powers. I rely on this for my Bill.

There is another provision in this Bill. The second provision seeks to remove the anomaly in the existing procedure—an anomaly which may sometimes lead to very serious consequences. In the case *United Provinces Government versus Iliqa Begum* before the Federal Court, the Chief Justice, Sir Maurice Gwyer, stated that under the law, as it stands today, "private persons can by a private settlement of the dispute, or even by collusion, prevent a Provincial Government from obtaining a decision of the Federal Court on issues of the highest importance." He recommended that necessary legislation be undertaken by the Central Legislature. That is the object of the second provision of my Bill.

In conclusion, I wish to make it clear that my Bill does not seek to extend the jurisdiction of the Federal Court in any way. Sir, I move

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

'That the Bill to confer supplemental powers on the Federal Court be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Sir Syed Raza Ali, Nawabzada Muhammad Laqat Ali Khan, Mr Lalchand Navarai, Mr Govind V. Deshmukh, Mr P. J. Griffiths, Sir F. E. James, Rao Sahib N. Sivaraj, Major Nawab Sir Ahmad Nawaz Khan, Mr N. M. Dumas and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.'

**The Honourable Sir Sultan Ahmed** (Law Member) Sir, the Bill seeks to make provision for two matters, firstly, for empowering the Federal Court to delegate to the Registrar or any other officer of the Court, judicial, quasi-judicial and non-judicial duties, etc., and, secondly, for an amendment of Order I, Rule 10 of the Code of Civil Procedure. I feel sure that the Honourable the Mover of the Bill would recognise the disparity of these two provisions. Government consider that it would be exceedingly desirable to separate these two provisions. The Government are prepared to promote a Bill with respect to the matter mentioned in clause 3, separately, and they will bring an official Bill for the consideration of the House. As regards clause 2, with the elimination of the provision for retrospective effect, Government would make a few drafting revision in the Select Committee. In the circumstances if the Honourable the Mover of the Bill would accept the suggestions that I have made, we will support the reference to the Select Committee.

**Dr P. N. Banerjee** I have no objection.

**Sir Gowaji Jehangir** (Bombay City Non-Muhammadan) If these are necessary amendments to an important piece of legislation, how is it it never struck the Government before and it was left to a non-official Member to bring in a Bill? They are important or they are not important. If they are important, then the Government ought to have done it long ago. If they are not important, it is not worth bothering now about.

**The Honourable Sir Sultan Ahmed** They are important.

**Sir Oowasji Jehangir** How is it you forgot?

**The Honourable Sir Sultan Ahmed** It did not strike us

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill to confer supplemental powers on the Federal Court be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Sir Syed Raza Ali, Nawabzade Muhammad Ishaq Ali Khan, Mr Lalchand Navaiji, Mr Govind V. Deshmukh, Mr P. J. Griffiths, Sir F. E. James, Rao Sahib N. Sivaraj, Major Nawab Sir Ahmad Nawaz Khan, Mr N. M. Dumasia and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted

## THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

(AMENDMENT OF SECTIONS 162, 488 AND 496)

**Qazi Muhammad Ahmad Kazmi** (Meerut Division Muhammadan Rural) Sir, I beg to move

"That the Bill further to amend the Code of Criminal Procedure, 1898, for certain purposes (*Amendment of sections 162, 488 and 496*), be circulated for the purpose of eliciting opinion thereon by the 31st August, 1942."

The reasons for the Bill are fully given in the Statement of Objects and Reasons and I think Government are not opposed to circulation. Sir, I move.

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

"That the Bill further to amend the Code of Criminal Procedure, 1898, for certain purposes (*Amendment of sections 162, 488 and 496*), be circulated for the purpose of eliciting opinion thereon by the 31st August, 1942."

**The Honourable Sir Sultan Ahmed** (Law Member) Sir, we do not oppose the circulation

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill further to amend the Code of Criminal Procedure, 1898, for certain purposes (*Amendment of sections 162, 488 and 496*), be circulated for the purpose of eliciting opinion thereon by the 31st August 1942."

The motion was adopted

## THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

**Qazi Muhammad Ahmad Kazmi** (Meerut Division Muhammadan Rural) Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898 for the abolition of Sessions trials with the aid of assessors

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898 for the abolition of Sessions trials with the aid of assessors."

The motion was adopted

**Qazi Muhammad Ahmad Kazmi.** Sir, I introduce the Bill

## THE MUSLIM PERSONAL LAW (*SHARIAT*) APPLICATION (SECOND AMENDMENT) BILL

**Qazi Muhammad Ahmad Kasmi** (Meerut Division Muhammadan Rural) Sir, I beg to move for leave to introduce a Bill further to amend the Muslim Personal Law (*Shariat*) Application Act, 1937 (*Second Amendment*)

**Mr President** (The Honourable Sir Abdur Rahim) The question is "That leave be granted to introduce a Bill further to amend the Muslim Personal Law (*Shariat*) Application Act, 1937 (*Second Amendment*)"

The motion was adopted

**Qazi Muhammad Ahmad Kasmi** Sir, I introduce the Bill

## THE USURIOUS LOANS (AMENDMENT) BILL

**Qazi Muhammad Ahmad Kasmi** (Meerut Division Muhammadan Rural) Sir I beg to move for leave to introduce a Bill to limit rates of interest and for that purpose further to amend the Usurious Loans Act, 1918

**Mr President** (The Honourable Sir Abdur Rahim) The question is "That leave be granted to introduce a Bill to limit rates of interest and for that purpose further to amend the Usurious Loans Act, 1918"

The motion was adopted

**Qazi Muhammad Ahmad Kasmi** Sir, I introduce the Bill

The Assembly then adjourned till Eleven of the Clock on Monday, the 16th February, 1942



# LEGISLATIVE ASSEMBLY

Monday, 16th February, 1942

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

## STARRED QUESTIONS AND ANSWERS

### (a) ORAL ANSWERS

#### NEED OF CONTACT BETWEEN THE SUPPLY DEPARTMENT AND THE PROVINCIAL DIRECTORS OF INDUSTRIES

**35. \*Mr. Govind V. Deshmukh:** Will the Honourable Member for Supply please state

- (a) if his Department keeps itself in touch with the Directors of Industries of the different provinces, and
- (b) if the Director of Industries in the Central Provinces and Berar supplied, or was asked to supply, a list of the articles that were either manufactured or could be manufactured for the requirements of the army?

**The Honourable Sir H P Mody.** (a) Yes. The Provincial Directors of Industries are members of one or the other of the six Advisory Committees for War Supplies established at the headquarters of Controllers of Supplies. These Committees meet at frequent intervals to consider and advise on the monthly reports furnished to members on the activities of the Supply Organisation in the circle. The monthly reports contain, among other things, full particulars of the articles for which the Department is anxious to find capacity and thus enable the members, including Directors of Industries, to bring to notice existing or potential capacity. In addition, Controllers of Supplies and the Planning staff, both at headquarters and in the Provinces, make periodical tours in search of new capacity. Specific enquiries are also made from Directors of Industries when occasion demands. It has thus been possible to obtain substantial supplies from small manufacturers and the cottage industry with the assistance of Provincial Directors of Industries.

(b) No list of articles that are manufactured or could be manufactured in the Central Provinces and Berar for meeting Army requirements appears to have been called for from, or supplied by, the Director of Industries of that Province. But the Director of Industries is a member of the Bombay Advisory Committee for War Supplies and is kept informed of our requirements from time to time.

**Mr. Govind V. Deshmukh** May I know why the list of articles which could be manufactured was not called for from the Director of Industries, Central Provinces and Berar?

**The Honourable Sir H. P. Mody:** The Director of Industries, being a member of the Provincial Advisory Committee, is presumed to know all about the requirements of the department and is in constant touch with it

**Mr Govind V Deshmukh.** May I take it, Sir, that he did not inform that any of the articles that are required for the army equipment could be manufactured in the Central Provinces and Berar?

**The Honourable Sir H. P. Mody** No, that does not follow at all. As a matter of fact, several direct approaches have also been made, despite the fact that the Director of Industries being a member of the Provincial Advisory Committee is supposed to be in constant touch with its activities. For instance, he has recently furnished samples of yarn for parachutes, tussore, etc., to the Controller of Supplies, Bombay, which are under consideration. A little while ago the Deputy Director of Timber approached the Director with regard to capacity for production of tent poles. The Director of Foodstuffs has also been in touch with the Director.

**Mr Govind V Deshmukh,** May I interrupt you for a moment? I am asking about the articles that could be manufactured. Timber is out of question.

**The Honourable Sir H. P. Mody** I think that is completely covered by my answer.

#### CONSUMPTION OF SHORT STAPLE COTTON FOR DEFENCE PURPOSES

**36. \*Mr Govind V. Deshmukh:** Will the Honourable Member for Supply please state

- (a) if, as a result of the decision of the Specification Committee, it has been decided to consume 400,000 bales of short staple cotton for defence purposes, and
- (b) if any quotas, out of the above quantity of cotton, have been fixed for the different provinces growing short staple cotton?

**The Honourable Sir H. P. Mody.** (a) The Standing Committee on Specifications (Cotton Textiles) has made certain recommendations for changes in the specifications for cotton textiles, which will result, if Defence Services demands continue at the present level, in a substantially increased consumption of short staple cotton annually for the manufacture of cotton textile materials for the Defence Services.

(b) No. Government do not supply any cotton to the mills who buy the cotton they need themselves.

**Mr Govind V Deshmukh** Sir, I am asking whether any quotas for different provinces have been fixed, because short staple cotton is grown in many provinces.

**The Honourable Sir H. P. Mody:** Quotas cannot be fixed for the simple reason that it is the mills who make the purchase and not the department for the mills.



**Mr. Lalchand Navalrai.** Have the Provincial Governments no concern in the purchase by those millowners?

**The Honourable Sir H. P. Mody.** I do not know whether the Provincial Governments have anything to do with this. It is the middleman, the seller of cotton, who is in constant touch with the mills, and who should know, from time to time, what the mills require in the way of short staple cotton.

#### RAILWAY ACCIDENTS ON BENGAL AND ASSAM RAILWAY.

**37. \*Mr. Amarendra Nath Chattopadhyaya.** Will the Honourable the Railway Member be pleased to state if there were two railway accidents on the Assam side of the Bengal and Assam Railway during January 1942? If so, will the Honourable Member be pleased to state if he has set up any enquiry about the causes of the accidents? If so, will he lay on the table the report he has received about the enquiries?

**The Honourable Sir Andrew Clow:** Government have information of two accidents in Assam, one on January 8th, on the Pandu-Tinsukia section of the Bengal and Assam Railway, in which a Mixed Train was derailed involving the death of one person and injuries to twenty others, and another on 15th January, on the Lalmonirhat-Amingaon Section, in which the engine of 8 Up Assam Mail was derailed as the result of running over a buffalo, but no passenger was killed or injured.

An inquiry is being held into the first, by the Government Inspector of Railways and a copy of his report will in due course be placed in the Library. He is not holding any inquiry into the second.

#### RETRENCHMENT OF STAFF ON BENGAL AND ASSAM RAILWAY.

**38. \*Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable Member for Railways be pleased to state if at this juncture, for the sake of economy, many hands have been retrenched from the staff of the Bengal and Assam Railway? If so, will the Honourable Member be pleased to state in detail how many hands, subordinates and officers, have been retrenched from different departments of each Branch of the amalgamated Railway? What is the total amount of money saved by such retrenchment, and has such retrenchment told upon the efficiency of the working of the Railway?

**The Honourable Sir Andrew Clow.** I am informed that no staff, gazetted or non gazetted, have up to now been retrenched as a result of the amalgamation. Six gazetted posts were repented and certain other posts gazetted and non gazetted, were regraded, and there will be retrenchments of men when the Assam Bengal Press at Chittagong is closed. The savings secured by all these measures should amount to rather over three lakhs a year, there is no reason for expecting a loss of efficiency.

**Lieut.-Colonel Sir Henry Gidney.** In view of the present position in the Far East and the Eastern borders of India, will the Government state whether or not it is rather a risky proposal to reduce the staff at present?

**The Honourable Sir Andrew Clow.** I have just explained that except for certain people in a press situated near the borders of India, there has not been and apparently would not be any retrenchment.

**Mr. Lalchand Navalrai.** May I know, Sir if these people who have been retrenched or sent away are being provided elsewhere or is any attempt made to absorb them elsewhere?

**The Honourable Sir Andrew Clow** I have explained that there has been no staff gazetted or non gazetted retrenched. The press employees who may be retrenched will be placed on a waiting list and endeavours will be made to secure employment for them as vacancies occur.

**Lieut.-Colonel Sir Henry Gidney:** As opposed to the word "retrenched", may I know if the staff has been 'reduced'?

**The Honourable Sir Andrew Clow** No but certain posts have been regraded.

#### CATERING CONTRACTORS ON STATE RAILWAYS.

**39. \*Mr Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Railways be pleased to state the names of the different caterers on the East Indian Railway, North Western Railway, Eastern Bengal Railway, and Great Indian Peninsula Railway, stating also the period they have been doing the catering work, the area allotted to each of them and the food-stuff they cater for passengers?

(b) Does each of the catering contractors work through sub contractors or through their own menial servants?

(c) Are regular inspecting officers appointed by the Railways to watch the materials they use for catering of food, and cleanliness in the kitchen and if they appoint servants and cooks having infectious diseases?

(d) Are health officers appointed by Railways in their respective lines to look into the quality of food supplied and the ghee used by the contractors?

(e) Have complaints been received by the authorities concerned against the caterers in any area? If so, what are the names of the caterers against whom such complaints have been made?

(f) Is it a fact that the charges made by caterers for food stuff supplied in the S down between Mogulserai and Gaya have been found to be too high for the quantity and quality of food supplied? Has there been any complaint by any passenger?

(g) Is it a fact that no intermediate or third class passengers however cleanly or finely clothed they might be are allowed to have their meals in the dining cars? If not why not?

(h) Will the Honourable Member be pleased to state the names of caterers who have been catering for more than four or five years at a stretch?

(i) Will the Honourable Member be pleased to state what benefit has accrued by changing the old system of catering by local retired railway staff and substituting them by profiteering caterers?

(j) Will the Honourable Member be pleased to state what financial gain has been secured by introducing this system of catering by the State Railways? Will he lay on the table a statement regarding the free passes given

to each caterer, his menials, and if any "salami" or security deposit or rental is paid by the caterer to the Railway Company?

**The Honourable Sir Andrew Clow.** (a), (c), (d), (e) and (h) I would refer the Honourable Member to the replies given on 11th February, 1941, to parts (a), (b), (c) and (e) of his starred question No 10

(b) The sub-letting of catering contracts is prohibited

(f) No such complaint has come to the notice of Government

(g) Lower class passengers desiring to have meals in a restaurant car are ordinarily required to pay the extra amount necessary to make up a Second class fare for the distance travelled

(i) I believe that in the past there were instances of Retired Railway Staff being given isolated contracts, but this certainly did not amount to a system of catering. As the Honourable Member is doubtless aware, the present policy adopted in accordance with the recommendation of the Central Advisory Council is to employ professional caterers

(j) In view of the reply to part (i), the first portion of the question does not arise. As regards passes, the information is not available with Government and I regret I cannot undertake the compilation of such a statement. As regards fees paid by caterers, I would refer the Honourable Member to the reply given to parts (c) and (d) of Dr Sir Ziauddin Ahmed's starred question No 59 of the 12th November, 1940

**Lieut.-Colonel Sir Henry Gidney.** Is it a fact that third class passengers are not allowed to enter the dining saloons of the railway carriages?

**The Honourable Sir Andrew Clow.** I would refer the Honourable Member to the reply to part (g) of the question

**Mr. Lalchand Navalrai.** With regard to part (b), the Honourable Member said that no such complaint has come to the notice of the Honourable Member

**The Honourable Sir Andrew Clow.** That reply was given in reply to part (f)

**Mr Lalchand Navalrai.** Then my question is whether any inquiry has been made if the contractors are subletting their contracts or not? There is no question of the information or complaints reaching the Honourable Member. When complaints have been made in this matter, have the railway authorities made any inquiries to find out whether the system of sub-contracting is going on or not?

**The Honourable Sir Andrew Clow.** I have not heard of any complaints of sub-contracting recently

**Mr Lalchand Navalrai.** How could the Honourable Member expect complaints to be made? When complaints are made by these questions, no inquiry is made. Will the Honourable Member now at least make an inquiry?

**The Honourable Sir Andrew Clow.** There is no allegation in this question of any specific subletting of contracts. The question was whether

catering contractors work through sub-contractors, and the Honourable Member is referred to the reply to part (b) of the question

**Sir Muhammad Yamin Khan.** If it is brought to the notice of the Honourable Member that a contractor is subletting his contract and is not doing his business properly, will he stop that contract after making sary action

**The Honourable Sir Andrew Olow.** I do not regard it as my personal duty to interfere with individual contracts, in fact I leave that as far as possible entirely to the railway administrations. But if any person brings specific instances of a breach of the contract to the notice of the Divisional Superintendent concerned, I am sure he will take the necessary action

**Sir Muhammad Yamin Khan.** Will the Honourable Member direct the railway administrations to stop the contracts of those contractors who do not carry on the work themselves but simply act as middlemen and make a profit out of the contract?

**The Honourable Sir Andrew Olow.** The railways are always alive to enforce the contracts into which they have entered

**Lieut.-Colonel Sir Henry Gidney.** In view of the reply given by the Honourable Member that a third class passenger who desires to have meals in a restaurant car is required to pay the extra amount necessary to make a second class fare for the distance travelled, will the Honourable Member state if the same imposition is made on a second class passenger?

**The Honourable Sir Andrew Olow.** No, Sir, the understanding is that the accommodation provided to a second class passenger is of a character which is covered by the second class fare

**Lieut.-Colonel Sir Henry Gidney:** In view of the fact that the railways are almost entirely maintained by third class passengers, and also in view of the fact that an imposition is made on third class passengers why should not the same imposition be made on second class passengers?

**The Honourable Sir Andrew Olow.** The point is, the accommodation provided is treated as second class accommodation. A second class passenger pays the fare charged for the whole distance and he is not asked to pay anything more if he enters a second class compartment, but if a third class passenger enters a second class compartment, he has to pay the difference

**Lieut.-Colonel Sir Henry Gidney.** A second class passenger can sit at the same table as the first class passenger in the dining saloon. Why should the second class passenger have that privilege and not the third class passenger?

**Mr. President** (The Honourable Sir Abdur Rahim) Sitting at the same table is a different matter. That question does not arise now

## REJECTION OF REVISION PETITIONS ON NORTH WESTERN RAILWAY

40 \*Mr. Lalchand Navalrai. (a) Will the Honourable Member for Railways be pleased to state whether any provision exists in the rules known as 'Discipline and Rights of Appeal Rules of Non gazetted Railway Employees' for revision of a decision if it is complained that certain rules were violated by the original punishing or appellate authority, in dealing with the employee's case? If so, will the Honourable Member please refer to the specific rule?

(b) If the reply to part (a) above be in the negative, is it proposed to insert such a provision in the rules? If not, why not?

(c) If the reply to part (a) above be in the affirmative, how is it that all revision petitions are rejected under the General Manager, North Western Railway, Lahore's circular form No. E. u (c), dated the 8th September, 1941, on the ground that he would consider an appeal only if such appeals lie to him under the rules?

(d) Is it proposed to take steps to explain to the North Western Railway administration the difference between an appeal and a revision petition based on rules and to issue instructions that where violation of rules or practice is alleged, a revision must be admitted and disposed of on merits? If not, why not?

The Honourable Sir Andrew Olow (a) and (b) There is no specific rule nor is such a rule considered necessary as appellate authorities are empowered to decide if the prescribed rules have been followed and whether the proceedings should be set aside.

(c) Does not arise

(d) No, because such action does not appear to be necessary.

Mr Lalchand Navalrai May I know from the Honourable Member when there is a question of rules, and according to which certain decisions have been made, if they have been made by the Divisional Officer, an appeal lies to the Divisional Superintendent? Then, after that, will the Honourable Member please say whether the revision can lie with the General Manager when there is a question of rules?

The Honourable Sir Andrew Olow There is no right of revision. It is open to the General Manager, I believe to revise the decision, if he so desires.

Mr Lalchand Navalrai Then there is no rule saying that he will not revise?

The Honourable Sir Andrew Olow I would refer the Honourable Member to the reply I have given to parts (a) and (b)

Lieut.-Colonel Sir Henry Gidney Will the Honourable Member inform this House whether or not it is a fact that in every other department of Government even the most humble subordinate can appeal to His Excellency the Viceroy? If so, why is that privilege denied to the railway subordinate?

**The Honourable Sir Andrew Clow:** I do not think there is a regular appeal in the sense of a statutory appeal to the Viceroy. There is the possibility of presenting a memorial.

**Lieut.-Colonel Sir Henry Gidney:** In view of the fact that we in this House have frequently asked the Government to have committees to redress these grievances and in view of the fact that Government have solidly refused to do so, will the Honourable Member inform this House whether Government are prepared to consider, as an alternative, the creation of Whitley committees as they exist in almost every department in England?

**The Honourable Sir Andrew Clow:** I submit that hardly arises out of this question.

**Mr. Lalchand Navarai:** May I know if the Honourable Member would draw the attention of the General Manager to the fact that he has discretion for receiving revision applications?

**The Honourable Sir Andrew Clow:** The Post Office is there and he cannot be prevented from receiving them, but it is for him to decide when he can use that discretion.

**Mr. Lalchand Navarai:** In view of the fact that generally he has been rejecting almost all applications which he has been receiving, will the Honourable Member at least send the answers to this question to him?

**The Honourable Sir Andrew Clow:** I have no objection to sending the answers to this question to him.

**Lieut.-Colonel Sir Henry Gidney:** Sir, in view of the fact that railway officials can appeal in such matters to the Agent and also, if they are not satisfied, to the Railway Board and also to the Federal Public Service Commission, why is this Appellate Court denied to the subordinates when there is really a case of injustice done, as has so often happened?

**The Honourable Sir Andrew Clow:** There is an Appellate Court provided in practically every case.

#### DISMISSALS FOR INSOLVENCY OR HABITUAL INDEBTEDNESS ON STATE RAILWAYS

41. **\*Mr. Lalchand Navarai:** (a) Will the Honourable Member for Railways be pleased to state whether a railway employee is liable to dismissal for insolvency or habitual indebtedness?

(b) How many insolvent or habitually indebted employees have been dismissed on the four State-managed Railways during the financial year 1940-41?

(c) If no such employee has been dismissed, is it because no employee has been involved in (i) insolvency, and (ii) habitual indebtedness? If there are such persons, why have the provisions of the rules not been applied to them?

(d) Do Government propose to issue instructions to the Railways to make use of the rules referred to in part (a) above? If not, why not?

**The Honourable Sir Andrew Olow** (a) Yes

(b) None on the Great Indian Peninsula Railway. I am awaiting information from other State-managed Railways and a further reply will be laid on the table of the House.

(c) The answer is in the negative, the rule is not mandatory.

(d) The question will be considered when the information from other railways is available.

**Mr Lalchand Navalrai** Does the Honourable Member know that there are instances in which these insolvents have not been dealt with?

**The Honourable Sir Andrew Olow** There are instances when they have not been dismissed. I do not know of instances when they have not been dealt with at all.

**Mr Lalchand Navalrai** Has anything been done to them or are they carrying on?

**The Honourable Sir Andrew Olow** As I have said I am awaiting certain information from other State-managed Railways.

**Lieut.-Colonel Sir Henry Gidney** Surely the Honourable Member should know that insolvency is not a crime to be punished always?

**The Honourable Sir Andrew Olow** The rules provide that in cases of insolvency or habitual indebtedness the ordinary penalty should be dismissal.

**Lieut.-Colonel Sir Henry Gidney** In view of the Honourable Member's reply, can Government deny that there are heaps of such cases in the Government of India and on the Railways and such employees are still working and working very efficiently?

**The Honourable Sir Andrew Olow** There are often circumstances in which insolvency may not be due to the subordinate's fault.

**Lieut.-Colonel Sir Henry Gidney** But I submit insolvency debt is not a crime.

**The Honourable Sir Andrew Olow** It is not a crime in the sense that it is punishable by the Penal Code. It is ordinarily treated as an offence and it will be for the man to show that it is not something for which he is liable to be dismissed.

#### PUBLICATION OF NEWS ITEMS FROM B B C BROADCASTS IN INDIAN NEWSPAPERS

42. **Mr. Lalchand Navalrai** (a) Will the Honourable Member for Communications be pleased to state whether it is a fact that news items taken from the B B C broadcasts are being published from time to time in certain newspapers in India, particularly the *Hindu* of Madras?

(b) Is it a fact that the Posts and Telegraphs Department took objection to publication of news from the B B C under the same category in the *Sind Observer* of Karachi in 1939 soon after the outbreak of war?

(c) If the answers to parts (a) and (b) be in the affirmative, why is this discrimination being made?

(d) Are Government prepared to see that all newspapers are treated impartially by permitting them to use important news items from the B B C broadcasts when Reuter, whose subscribers they are, fails to send them news in time owing to some difficulty or other?

**The Honourable Sir Andrew Clow** (a) A few cases have been brought to the notice of the Director General, Posts and Telegraphs, and action was taken on the merits of each case. The *Hindu* of Madras was alleged to have published news obtained by wireless but no definite evidence has been obtained justifying further action.

(b) Yes. The Editor of the *Sind Observer* admitted having violated broadcast receiver license conditions in this respect and on his expression of regret and assurance not to repeat the offence, the Director General, Posts and Telegraphs, decided to drop the matter.

(c) Does not arise as no discrimination is made and all papers are treated alike.

(d) Government intend to treat all newspapers impartially but not in the way the Honourable Member suggests.

**Mr Lalchand Navalrai** When the Honourable Member knows that formerly the *Sind Observer* was getting information from Reuters and that has been stopped on account of the war, will the Honourable Member make any arrangements so that they may get information for their paper?

**The Honourable Sir Andrew Clow** I am not aware that the *Sind Observer* has been denied facilities given to other papers.

**Mr Lalchand Navalrai** That is exactly the question—formerly they were getting from Reuters and that has been stopped, in that case some arrangement should be made, and it should be left to the Director General to see that they do get information from somewhere.

**The Honourable Sir Andrew Clow** Why have they not subscribed? That is not my concern.

**Mr Lalchand Navalrai** On account of other work that they are at present doing on account of the war.

**The Honourable Sir Andrew Clow** If they choose to stop subscribing to some particular agency, that is not the concern of the Government.

**Mr Lalchand Navalrai** They are not giving to other papers also, it is not as if this is done only for this paper.

**The Honourable Sir Andrew Clow** The question of what a newspaper agency is supplying is not a matter for my department.

**Mr. Lalchand Navalrai** I am asking help from the Government in this connection because the agencies are not supplying.



**The Honourable Sir Andrew Clow** As far as I know the agencies are supplying news. I am getting news myself from news agencies.

**Mr Lalchand Navarai** With respect to some presses they do not give, the Honourable Member may be getting everything, even confidential news, but that is a different question. May I know only this much that the Director General at least should inquire into the matter and give help to these papers that are not getting any information?

**The Honourable Sir Andrew Clow** It is not a matter for the Director General.

**Mr Lalchand Navarai** It is for the Government to afford some facilities. Is Government going to do that?

**The Honourable Sir Andrew Clow** What facilities?

**Mr Lalchand Navarai** The facility to get this information, broadcast information and publish it.

**The Honourable Sir Andrew Clow** Certainly not. That information is copyright and Government will use every means in their power to prevent a violation of that copyright.

**Mr Lalchand Navarai** It is not violation that I am asking for. I am asking whether they will give certain information which otherwise will not be published in the newspapers. Why should not Government help in that?

(No answer)

#### DEPREDACTIONS BY KAZAKS

**42A \*Mr Govind V Deshmukh** Will the Foreign Secretary please state

- (a) if his attention has been drawn to the statement to the press by Pandit Badri Dutt Pande, M L A (Central), regarding depredations by Kazaks,
- (b) what measures Government have taken to prevent further looting by these men of persons living in parts wherever they would be going, and
- (c) whether Government intend to compensate persons whose property is lost?

**Mr O. K. Garoe** (a) Yes

(b) The Kazaks are living in a camp at Muzaffarabad in Kashmir State under police surveillance. There has been no complaint against them for misbehaviour of any kind since they entered the State. They have been disarmed and there is no reason to suppose that they will not conduct themselves in a law abiding manner.

(c) The Resident in Kashmir has been asked to arrange with the Kashmir State authorities for the search of the Kazaks' camp with a view to restoring to its owners any stolen property which may be identifiable. The Government of India regret that they cannot undertake to pay compensation for property which may have been stolen by the Kazaks outside

India It will be readily understood that it would be impossible for the Government of India as a matter of principle to accept responsibility for compensating Indian traders who may suffer loss at the hands of thieves and robbers in foreign countries

**Mr. Govind V Deshmukh** May I know how are these Kazaks in camp maintaining themselves?

**Mr O K Caroe** They are being paid for at the moment, they are more or less destitute

**Mr Govind V Deshmukh** By whom?

**Mr. O K Caroe** By the Government of India

**Mr Govind V Deshmukh** May I know the rules, if there are any, which provide for the maintenance of foreigners who come into India?

**Mr O K Caroe** No rules

**Mr Govind V Deshmukh** I want to know under what rules is this payment made for maintaining the Kazaks

**Mr. O K. Caroe** I have just said that there are no rules It is a matter of executive expediency

**Mr Govind V Deshmukh** Did they obtain permission or sanction of the Finance Committee or the Finance Member?

**Mr O K Caroe** The matter has been discussed and decided by the Government of India

**Mr N M Joshi** May I ask whether the Government of India have taken upon themselves the responsibility of maintaining foreigners who enter India and whether they will undertake the responsibility of maintaining those citizens of India who are starving and who have no means of livelihood?

**Mr O K Caroe** I hardly think the question arises

**Pandit Lakshmi Kanta Maitra** What is the number of these Kazaks?

**Mr O K Caroe** About 2,800

**Pandit Lakshmi Kanta Maitra** May I also inquire what is the intention of Government? Do they propose to pay them indefinitely or have they got some period before them for which they will make this payment?

**Mr. O K Caroe** It is not proposed to pay them indefinitely Payment so far is to be made to them till the end of March

**Pandit Lakshmi Kanta Maitra** May I inquire if the Government realise the danger of encouraging these marauders to come into India—or these

nomads—that if they come in larger numbers and if there is further immigration, do Government realise the danger which India may have?

**Mr. O. K. Caroe:** Fully

**Pandit Lakshmi Kanta Maitra:** And what is the policy of the Government with regard to the stoppage of further people coming into India?

**Mr. O. K. Caroe:** It seems very unlikely that they will be followed, this particular horde left its home about five years ago

**Dr. P. N. Banerjee:** Is there any provision in the budget for such expenditure?

**Mr. O. K. Caroe:** Not that I know of

**Sardar Sant Singh:** Has the attention of Government been drawn to the news published by the Associated Press of India that Government is thinking of settling them somewhere in Hazara District in the North West Frontier Province?

**Mr. O. K. Caroe:** Owing to their being in extremely bad health and the dangers of epidemic and starvation and so on, owing to their long voyaging and the difficulty of administering their camp in an Indian State when the expenditure has to fall on the Government of India, it has now been decided to take them into the Hazara District in the North-West Frontier Province.

**Sardar Sant Singh:** What are the conditions under which they will be allowed to settle there? Will they be free men like others or will any restrictions be placed upon their movements?

**Mr. O. K. Caroe:** This will have to resolve itself; no conditions can be laid down in advance

**Maulvi Muhammad Abdul Ghami:** May I know that these Kazaks are not dacoits but peaceful residents who have come to take shelter here?

**Mr. O. K. Caroe:** They are behaving in an entirely peaceful manner at present, they were disarmed when they entered India

**Pandit Lakshmi Kanta Maitra:** May I know what is the daily expense on these people?

**Mr. O. K. Caroe:** I should require notice of that question

**Mr. Govind V. Deshmukh:** May I know how long the Government has decided to maintain these people in the camp?

**Mr. O. K. Caroe:** I have given the answer already

## ENTRY OF KAZAKS INTO INDIA

**42B. \*Mr. Govind V Deshmukh:** Will the Foreign Secretary please state how the Kazaks entered India, and whether they did so with Government's knowledge or without it?

**Mr. O K Caroe** The Kazaks entered India by way of Demchok and Leh in the Kashmir State. On October 4th the Resident in Kashmir reported that Kazaks were 27 miles from the border at Demchok. The Government of India instructed him to consult the Kashmir Government regarding maintenance of troops on the frontier during the winter to prevent the Kazaks' incursion. Demchok being 200 miles from Leh and separated from it by two passes 17,000 feet high, orders telegraphed to Leh take 9 to 10 days to reach it.

On 20th of October the Resident, Kashmir, reported that a clash had occurred between the Kashmir troops at Demchok and the Kazaks in which 6 Kazaks were killed and one wounded. Thereafter the Kazaks leaders announced their readiness to surrender then arms provided they were given free passage into India. The Kashmir officers on the spot faced with the impossibility of maintaining troops at so distant a locality and so high an altitude during the winter made an agreement with the Kazaks under which, subject to the surrender of arms and ammunition and certain other terms, the Kazaks were given permission to enter India. Difficulties of communication made it impossible to negotiate terms after consultation with the Kashmir Government and the Government of India, and in the circumstances it is not possible to impute any blame to the local authorities who were faced with a most difficult situation and could not exclude humanitarian considerations from their minds in arriving at a decision.

**Mr Govind V Deshmukh** May I know if there are sufficient measures taken or any rules to prevent a number of foreigners from coming to India?

**Mr O K Caroe** On this particular frontier this is the first time that anything of the kind has happened. The altitude is over 15,000 ft., the distances are immense and the foreigners are naturally prevented from coming to India from that direction.

**Mr Govind V Deshmukh** Do the Government propose to take measures at such places from which entry can be made to India to prevent foreigners from coming into the country in such large numbers?

**Mr O K Caroe** The best possible measures have always been taken to prevent unauthorised incursions. This was a very extraordinary occurrence, it has not taken place before, and it is unlikely it will take place in future.

**Maulana Zafar Ali Khan:** Why are these couple of thousand people entering India to seek an asylum being misunderstood? Why are they looked upon as if they are invaders of India, as if India stood in danger of being destroyed piecemeal by a couple of thousand people?

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member is making a speech.

**Mr. O. K. Caroe:** I think the Government of India must have sympathy with these persons, men, women and children, who have been wandering over the wastes of Asia for about five years and in very extraordinary circumstances, and I agree with the Honourable Member that a certain lack of balance is perhaps shown in referring to these people as invaders of India

**Maulvi Muhammad Abdul Ghani:** May I know whether these Kazaks have been paid any compensation for the loss of lives by the Kashmir Darbar?

**Mr. O. K. Caroe:** No, Sir

**Mr. Govind V. Deshmukh:** In view of the fact

**Mr. President** (The Honourable Sir Abdur Rahim) Order, Order  
The matter has been sufficiently discussed

**Mr. Govind V. Deshmukh:** Only one supplementary question, Sir

**Mr. President** (The Honourable Sir Abdur Rahim) Order, Order

**Pandit Lakshmi Kanta Maitra:** May I put one supplementary question, Sir?

**Mr. President** (The Honourable Sir Abdur Rahim) No The matter has been fully investigated

**Mr. Govind V. Deshmukh:** Only one more supplementary question, Sir

**Mr. President** (The Honourable Sir Abdur Rahim) No more supplementary question

## UNSTARRED QUESTIONS AND ANSWERS

### JOURNEY TIME ALLOWED TO RAILWAY EMPLOYEE

**13 Mr. Lalchand Navai:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that a railway employee is allowed railway journey time on transfer at the rate of "one day" for every 250 miles?

(b) Is the intention of the limit, referred to in part (a) above, to give an employee reasonable length of journey per day? If not, what is the real intention of fixing this limit of "one day" for 250 miles for rail journey?

(c) Is this consideration of 250 miles rail journey "a day" also shown to employees travelling on duty to a place situated beyond their usual beat? If not, why not?

(d) In what respects is the case of employees travelling on transfer different from the case of those travelling on duty for the purpose of giving the employees conditions of reasonable distance of travelling per day?

(e) Does the Honourable Member propose to introduce a similar rule, as referred to in part (a) above, for persons travelling on duty also? If not, why not?

**The Honourable Sir Andrew Clow:** (a) Yes, ordinarily, but the competent authority may reduce the joining time of an employee on transfer.

(b) The answer to the first part is in the negative, the rule is designed to give the employee reasonable time to make the essential arrangements involved in the transfer of his home, and to ensure that public time is not wasted.

(c) No, there is no reason why employees travelling on duty should not do so as expeditiously as possible.

(d) Does not arise in view of the reply to part (b).

(e) No, it is not in the public interest to do so.

#### CONFIDENTIAL REPORTS FOR SUBORDINATE STAFF ON NORTH WESTERN RAILWAY

**14 Mr Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether the rules published in section II, Confidential Reports, Chapter XVI, of the State Railway Establishment Code, Volume I, apply to members of subordinate staff on the North Western Railway for whom confidential reports are submitted? If not, will the Honourable Member please lay on the table of the House a copy of the orders that do apply to the subordinate staff?

(b) Is it a fact that the confidential reports for subordinate staff give an off hand impression in one or two words only? Does the Honourable Member propose to apply the spirit of Rule 1607 of the Code referred to in part (a) above to the members of subordinate staff as well? If not, why not?

(c) Is there any provision for a previous verbal or written warning to a subordinate, pointing out to him the direction in which his work had been found unsatisfactory or the faults in character or temperament which require to be remedied, as laid down in paragraph 1609 of the Code referred to in part (a) above? If not, does the Honourable Member propose to amend the rules and orders so as to introduce similar reforms as laid down in paragraph 1609 of the State Railway Establishment Code, Volume I? If not, why not?

**The Honourable Sir Andrew Clow:** (a) The answer to the first part is in the negative. The North Western Railway have made rules under the powers vested in them by paragraph 1619 of the State Railway Establishment Code, Volume I but a copy of these rules is not being laid on the table of the House as Government do not consider them to be of sufficient public importance.

(b) I have not myself inspected many of these reports but understand that they do not take the form suggested by the Honourable Member. The rules already comply with the spirit of paragraph 1607, the last part does not arise.

(c) The answer to the first part is in the affirmative, the other parts do not arise.

**STATE RAILWAY STAFF GIVEN CONSOLIDATED OR PERMANENT TRAVELLING ALLOWANCE**

**15 Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether any categories of staff on the four State-managed Railways are given consolidated or permanent travelling allowance? If so, will the Honourable Member place on the table a list of such categories for each Railway, separately?

(b) Is the permanent or consolidated travelling allowance included in pay for the purpose of determining the class of passes? If so, on which Railways? If not, why not?

(c) If the system is not uniform on the four State managed Railways, is it proposed to amend Rule 211 of the State Railway Establishment Code, Volume I, and provide for a uniform system of consolidated or permanent travelling allowance being included in the pay for the purposes of passes? If not, why not?

**The Honourable Sir Andrew Clow.** (a) and (b) Information is being collected and a reply will be laid on the table in due course.

(c) It is not always advantageous to enforce uniformity in matters of this kind, but the point will be examined when information is available.

**GUARDS DISCHARGED FOR PHYSICAL UNFITNESS IN LUCKNOW DIVISION, EAST INDIAN RAILWAY**

**16 Qazi Muhammad Ahmad Kazmi.** (a) Will the Honourable Member for Railways please state whether it is or it is not a fact that the Divisional Superintendent, East Indian Railway, Lucknow Division, in letter No. EID/4/Gd Vol V, dated 22nd February, 1940, to some guards on representation of their case against their discharge, said "You have been found by a Medical Board to be physically unfit to perform your duties in an efficient manner, you have been given a month's pay in lieu of notice in terms of your agreement and it is regretted that in the circumstances your appeal cannot be entertained"?

(b) Is it or is it not a fact that the physical unfitness of these guards was only temporary and not permanent and whether this fact was at all considered by the authorities concerned?

(c) Is it or is it not a fact that most of these guards have since then fully recovered from their ailment and are in a fit condition?

(d) Is it or is it not a fact that the rules provide the right of an appeal against a charge of medical unfitness?

(e) Is it or is it not a fact that, according to rules, persons found unfit for a particular duty but fit for duty requiring a lower standard of health are granted leave pending their appointment to the second category? If so, why was this rule not observed in the case of these guards?

(f) If the replies to parts (a) to (e) be in the affirmative, do Government propose to take action in the case and to see that employment is provided for these guards if their physical unfitness is not of a permanent character? If not, why not?

(g) If the replies to parts (a) to (e) be in the negative, what are the real facts?

**The Honourable Sir Andrew Clow:** (a), (b) and (g) Information is being obtained and a reply will be laid on the table of the House in due course

(c) If any information on this point is available with the railway authorities it will be supplied

(d) Yes, to the Chief Medical Officer of the Railway concerned

(e) No, there is no specific rule to this effect

(f) This has not yet arisen but can be considered if necessary

#### REFUSAL OF LEAVE TO A RAILWAY EMPLOYEE AT AMBALA STATION

**17. Qari Muhammad Ahmad Kasmi:** (a) Will the Honourable Member for Railways please state whether it is or it is not a fact that the Divisional Superintendent, North Western Railway, Delhi Division, in letter No 443-E/129/T, dated the 20th September, 1941, in connection with a complaint regarding leave to a member of Ambala Station said "Story of the above named is a pitiable one and should have been considered sympathetically. The Yard Supervisor is to blame in not allowing him to avail of the sanctioned leave and gave preference to S. P. Jagannath whose case was not as important as compared with Dal Chand"?

(b) Is it or is it not a fact that Dal Chand asked for redress against the hardship but the Divisional Superintendent in letter, dated the 14th December, 1941, said "Applications have been filed"?

(c) Is it or is it not a fact that in this case the action of the Yard Supervisor resulted in the death of Dal Chand's wife and child, who could not be attended to in time?

(d) If the replies to parts (a) to (c) be in the affirmative, do Government propose either to order the Yard Supervisor (whose guilt is established) to compensate the employee, or to accord sanction to the employee to take legal action against the Yard Supervisor? If not, why not?

(e) If the replies to parts (a) to (c) be in the negative, what are the real facts?

**The Honourable Sir Andrew Clow:** (a) and (b) I believe this is substantially correct

(c) I have no ground for believing this to be the case

(d) No I understand that the Divisional Superintendent, after further inquiry, was satisfied that the Yard Supervisor was not blameworthy

(e) Does not arise

#### CRITERION FOR APPOINTMENT TO SELECTION POSTS ON EAST INDIAN RAILWAY

**18. Qari Muhammad Ahmad Kasmi:** (a) Will the Honourable Member for Railways please state whether it is or it is not a fact that the General Manager, East Indian Railway, in August 1940 has prescribed that personalty should be the criterion for appointments in the selection posts?



(b) Is it or is it not a fact that this criterion is also prescribed for the first appointment to the service?

(c) If the replies to parts (a) and (b) be in the affirmative, what are the reasons for prescribing a second test in personality?

(d) If the replies to parts (a) and (b) be in the negative, what are the real facts?

**The Honourable Sir Andrew GLOW.** (a) No such orders as are referred to in the question have been traced, but personality is a factor that is taken into account in making selections to selection posts

(b) Yes

(c) Whether an employee possesses the personality suited to a particular post has to be decided whenever a selection has to be made

(d) Does not arise

#### AVENUES OF PROMOTIONS ON EAST INDIAN RAILWAY

**19 Qazi Muhammad Ahmad Kasmi.** Will the Honourable Member for Railways please state whether it is or it is not a fact that the General Manager, East Indian Railway, has prescribed the avenues of promotions which are not mentioned in the recruitment rules? If so, what are they?

**The Honourable Sir Andrew GLOW:** Instructions were issued in 1936 calling the attention of Divisional Superintendents to the fact that the diagrams showing normal channels of promotion were not to be taken as excluding classes, not specifically mentioned which by practice were admitted to any of the groups shown. It was further laid down that there was no restriction to employees in one group who may be in every way qualified for a post in another group being appointed thereto, but that care must be taken to avoid any unmerited supersession in making such appointments. The instructions contained the following paragraph:

There is no reason, therefore, why Trains Clerk should not in accordance with rules be promoted to the post of grade II Guard and, in due course, if he is considered suitable to grade I Guard, eventually working his way through the relieving Guard's list to the posts of Assistant Yard Masters, Train Controllers, Station Masters, etc.

These instructions are not given in full in the East Indian Railway rules themselves but are contained in an annexure to the rules.

#### CATERING CONTRACTS WITH BALLABHDAS ESHWARDAS ON EAST INDIAN RAILWAY

**20 Qazi Muhammad Ahmad Kasmi.** Will the Honourable Member for Railways please state

(a) the date, nature and duration of the contracts with Ballabhdas Eshwardas on the East Indian Railway,

(b) the date of the last renewal and the date on which next renewal is due,

(c) the name of the stations and Divisions respectively, which are involved in contracts since 1937, and

- (d) whether it is or it is not a fact that the Divisional Superintendents have no authority in dealing with the catering and vending contracts of stations in their Divisions, which are given under the direction of the General Manager to Ballabhdas Eshwardas?

**The Honourable Sir Andrew Clow** (a) and (b) These particulars are not maintained by Government or the Railway Board, and the only contract available here is one of indefinite duration. It does not require any renewal but is terminable by either party on giving six months' notice of termination. I presume that this is the normal form, but am making an inquiry on this point. I cannot undertake to furnish a list of the dates of the original contracts. The contracts relate to catering.

(c) I would refer the Honourable Member to the reply given to the first part of Maulvi Muhammad Abdul Ghani's starred question No. 207 of 28th February, 1941.

(d) Inquiries are being made and a reply will be laid on the table in due course.

#### MONOPOLY OF CATERING CONTRACT TO BALLABHDAS ESHWARDAS ON EAST INDIAN RAILWAY

**21 Qazi Muhammad Ahmad Kasmi:** (a) Will the Honourable Member for Railways please state whether it is or it is not a fact that the Divisional Superintendents themselves do not hear any complaints against Ballabhdas Eshwardas and have instructions to forward them to the General Manager, East Indian Railway, for disposal?

(b) Is it or is it not a fact that the Divisional Superintendents are not authorized to give the catering and vending contracts at any station, if and when, it falls vacant in their respective Divisions to any person other than Ballabhdas Eshwardas?

(c) Is it or is it not a fact that Ballabhdas Eshwardas has the catering and vending contracts at all the principal stations on the Railway as his monopoly?

(d) If the replies to parts (a) to (c) be in the affirmative, what are the reasons therefor, and do Government propose to curtail the monopoly by ordering the General Manager not to renew the contracts of Ballabhdas Eshwardas for station vending where he has refreshment rooms and for station refreshment rooms where he has the vending contract and on Divisions more than two? If not, why not?

(e) If the replies to parts (a) to (c) be in the negative, what are the real facts?

**The Honourable Sir Andrew Clow:** (a), (b) and (c) I have called for the information and will lay a reply on the table of the House in due course.

(c) I would refer the Honourable Member to the replies given to the supplementaries on Maulvi Muhammad Abdul Ghani's starred question No. 207 of 28th February, 1941.

(d) The reply to the second portion of the question is in the negative. In conformity with the accepted recommendation of the Central Advisory Council where the services rendered have been satisfactory, contracts will not be terminated.

## MESSAGE FROM H E THE GOVERNOR GENERAL

**Mr President** (The Honourable Sir Abdur Rahim) Order, order The following message has been received from His Excellency the Governor General

*'In pursuance of the provisions of sub section (5) of section 67 A, as set out in the Ninth Schedule to the Government of India Act, 1935, I hereby direct that the heads of expenditure specified in that sub section, other than those specified in clause (v) thereof, shall be open to discussion by the Legislative Assembly when the Budget for the year 1942-43 is under consideration*

(Sd) LINLITHGOW,  
Governor General''

## THE SPECIAL HAJ INQUIRY REPORT

**The Honourable Mr M. S. Aney** (Member for Indians Overseas) I lay on the table a copy of the Report\* of the Special Haj Inquiry by Mr J A Rahim, I C S

**Sir Abdul Halim Ghuznavi** (Dacca cum Mymensingh Muhammadan Rural) May I ask the Honourable the Leader of the House whether he will allow a day to discuss this Special Haj Inquiry Report which he has laid on the table today?

**The Honourable Mr. M S Aney** I will consider that suggestion

**Pandit Lakshmi Kanta Maitra** (Presidency Division Non-Muhammadan Rural) We cannot hear a word of what is going on there

## HOME DEPARTMENT NOTIFICATION ISSUED UNDER THE REGISTRATION OF FOREIGNERS ACT, 1939

**The Honourable Sir Reginald Maxwell** (Home Member) I lay on the table a copy of the Home Department Declaration of Exemption, No 1/5/42-Political (E), dated the 4th February, 1943, issued under the Registration of Foreigners Act, 1939

No 1/5/42 Political (E)  
GOVERNMENT OF INDIA  
HOME DEPARTMENT

New Delhi, the 4th February, 1942

## DECLARATION OF EXEMPTION

of the R  
is pleased to declare that the  
eigners Rules, 1939, shall not apply  
as and Dr D O Sendel, so long as they are  
mission appointed by the Defence Department,

V SHANKAR,  
Deputy Secy to the Govt of India

\*Not included in these Debates, but a copy has been placed in the Library of  
e House—*Sd of D*

IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH NOTIFICATION  
ISSUED UNDER THE AGRICULTURAL PRODUCE CESS  
ACT, 1940

**Mr J D Tyson** (Secretary, Department of Education, Health and Lands) I lay on the table a copy of the Imperial Council of Agricultural Research Notification, No F 26(8)/41-G, dated the 31st December, 1941, amending the Standing Finance Committee Regulations framed under subsection (2) of section 7 of the Agricultural Produce Cess Act, 1940

IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH

NOTIFICATION

*New Delhi, the 31st December, 1941*

No F 26 (8)/41 G.—The following amendment made by the Imperial Council of Agricultural Research, with the previous approval of the Central Government, under subsection (2) of section 7 of the Agricultural Produce Cess Act, 1940, (XXVII of 1940), in the Standing Finance Committee Regulations, published with their Notification No F 46 (10)/40 G, dated the 10th September, 1940, is published for general information

For clause (u) of regulation 9 of the said Regulations, the following clause shall be substituted, namely—

"(u) to examine the estimates of all research schemes of the Council "

B SAHAY,  
*Secretary.*

ELECTION OF THE STANDING COMMITTEE ON EMIGRATION

**The Honourable Mr. M. S. Aney** (Member for Indians Overseas) Sir, I move

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non official members to serve on the Standing Committee on Emigration during 1942-43 "

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non official members to serve on the Standing Committee on Emigration during 1942-43 "

**Sir F E James** (Madras European) May I raise two matters on this motion? This Committee is called the Standing Committee on Emigration. It deals with all questions relating to Indians Overseas in the Empire countries, but as a result of the heavy tidings of the last few weeks a very large number of Indians Overseas are now actually in enemy occupied country. I think the House would like to know whether the Honourable Member will continue to deal with the new machinery that may be set up for communicating with those Indians, or whether that is now a matter for the External Affairs Department, and whether he or the Secretariat of the External Affairs Department can give any information as to the protecting power in these enemy occupied territories through whose good offices communications may be established with the Indian communities overseas.

That is the first point. The second point is with regard to the effect of the present situation upon the Indian community in Burma and in Ceylon. I refer to Burma particularly because of the recent Indo-Burma Agreement which has been the subject of much discussion in this House—whether the Honourable Member can give the House any information as to the effect of the provisions of that Agreement, if it is to be put into force, on the desire of many Indians now in Burma to leave that country in view of the threat to Burma by the Japanese. So far as Indians in Ceylon are concerned, their position is still, I presume under negotiation between the Government of India and the Government of Ceylon and I want to know whether the Honourable Member can give the House any information as to the effect upon those negotiations of the new situation, and whether in view of the developments in the past few weeks, the Government of India intend to continue to maintain their ban upon the emigration of Indians to Ceylon. I appreciate the fact that the Honourable Member may not be able to give the House as full information on these points now as he would wish to give, but I would like to ask him if he is not in a position to do so at present whether he will in the near future give the House what information is possible on those points.

**Mr. N. M. Joshi** (Nominated Non-Official) May I ask the Honourable Member in charge of the Department for information regarding the evacuation of Indians from Burma? I would request him to tell us the present position regarding the evacuation,—how many Indians have been evacuated, how they have been evacuated, how many are anxious to come back to India, and the arrangements the Government of India have made to enable them to come to India. Then, I would like the Government of India to tell us whether the office of the Agent to the Government of India in Burma is able to cope with the increased work which he may have to do on account of the present situation in Burma and if the Government of India finds that the Agent is not able to cope with the work which falls to him in the present circumstances whether the Government of India will make special arrangements for helping Indians in Burma at the present time.

**Sir Muhammad Yamin Khan** (Agra Division, Muhammadan Rural) May I add one word to what Mr. Joshi has said? He wanted to know about Indians in Burma but I would like the Honourable Member to throw some light also on the Indians who were in Singapore also.

**The Honourable Mr. M. S. Ansy** With regard to the information that my Honourable friend Sir Frederick James wants to have, I can say this much. Ordinarily the jurisdiction of the Indian Overseas Department is confined only to Indians residing in territories which are within the Empire but outside India. When those territories are actually under the administration of the British Government the Indian Overseas Department is directly responsible for looking after the condition of Indians there. But as soon as they are occupied by the enemy the position really becomes different, but for the present the arrangement that is now accepted in consultation with the External Affairs Department is this. As regards giving information about the Indians to the country and making arrangements for their evacuation, in consultation with the External Affairs Department, the Indian Overseas Department is carrying on that work. The agencies which may be appointed by His Majesty's Government to be in charge of

[Mr M S Aney]

the interests of the British people in enemy occupied territories will be the main media through which information can be had by us. As regards Malaya, with the fall of Singapore, practically the whole of Federated Malaya is now an enemy occupied territory. It is not yet settled what neutral agency will be in charge of the British residents there, but as soon as that is settled we shall put ourselves in communication with that agency to get the necessary information about the condition of the Indians residing in those parts and we are assured of all co-operation by the External Affairs Department in this matter.

The second question which my Honourable friend raised was with regard to the Burma and Ceylon Immigration Agreements. So far as Burma Immigration Agreement is concerned, I think probably the House is aware that just before the outbreak of the war matters had come to the stage that with the concurrence of the Secretary of State the Government of India and the Burma Government were negotiating with each other to see if suitable amendments could be made. At that stage the matter stood. After the war, of course, the negotiations had practically stopped and attempts are being made to see that at any rate during the war no further negotiations will be made. I am not in a position to make any definite statement as to what exactly the position will be, but I take it for granted that neither the Burma Government nor the Government of India would be anxious to proceed with the negotiations while the present war conditions are subsisting. As regards Ceylon, the old ban is there but we are trying, in view of certain demands made by the Madras Government that the restrictions on Indian labour in coming back to India required to be relaxed, to examine the question. The matter was under our consideration for some time and, therefore, we were thinking of removing the one year ban imposed by ourselves on Indian labour residing in Ceylon. The matter was being proceeded with up to this time on a different basis altogether. The conditions which may arise or which are gradually arising on account of the war coming nearer and nearer are entirely of a different nature. In view of these conditions, I do not think the partial measure that we were considering would meet the requirements of the situation. In view of these changed conditions, probably the question of lifting the ban altogether will have to be considered and no restrictions placed on those Indians who want to come back. That position will have to be considered by the Indian Overseas Department of the Government of India.

As regards Mr Joshi's question, I can say that Indians who are residing in Burma and Malaya have already begun to evacuate. The number of evacuees, so far as I know, both by sea and land has exceeded 40,000. I am not in a position to give the exact figure as to how many by sea and how many by land. But I believe that not less than 10,000 have come back by land routes also. There are some difficulties in this matter because sufficient shipping is not available. The Honourable Member is aware that almost all the shipping available is requisitioned for defence purposes and we have to get certain ships from them for being used for this purpose. We are also making use of those ships, which are used for the carriage of cargo, for the purpose of taking evacuees back on their return journey. In that way the Defence Department has been co-operating with the Indian Overseas Department in the matter of evacuation to a

great extent With regard to evacuation by land routes, that has also begun but I learn that there are certain difficulties in the way of those who want to come by land routes, because the roads are not in good condition and the necessary amenities required cannot be easily had on those routes We are making attempts to get the Burma Government to grant such facilities as are required for those who want to evacuate by land Matters are under discussion and negotiation between the Government of Burma and the Government of India We hope that all those persons who are not necessarily required for war purposes or essential war services in Burma may be permitted, if they so choose, to evacuate from Burma We are taking steps at least to secure that end

Then, as regards the position of our agent in Burma and Malaya, I may inform the House that we have not heard from our Agent in Malaya since 6th of January, but we have taken it for granted that he is no longer in British territory and he is in enemy occupied territory We were thinking of appointing another agent and we actually made the appointment before Singapore had fallen Only two or three days ago we sent orders appointing a gentleman as our Agent there but today, unfortunately, the sad news has come that Singapore has fallen Therefore, the situation has changed and there is no question of appointing an Agent for Malaya or Singapore at all It would have to be treated as enemy occupied territory and any communication with regard to Singapore will hereafter have to be made through such agency as might be appointed by His Majesty's Government, as the agency in charge of British interests during the period of hostilities

**Maulana Zafar Ali Khan** (East Central Punjab Muhammadan) May I know what was the total number of Indians in Singapore before the Japanese took hold of it?

**The Honourable Mr M S Aney** I cannot give the exact number I can say that the total number of Indians in the whole of Malaya including Singapore was eight lakhs

**Mr Lalchand Navalrai** (Sind Non-Muhammadan Rural) May I know from the Honourable Member whether any agency is kept in Manila and Philippines? There are Indians there and what is the arrangement on behalf of the British Government or any other agency to give information

**The Honourable Mr M S Aney** This matter is coming on tomorrow, when the Honourable Member will get a detailed answer There are certain details which it may not be possible to give accurately now I trust the Honourable Member will hold himself in patience for a day

One more point and I have finished My friend, Mr Joshi, wanted to know whether the present Agent is in a position to cope with the increased work that he will have to do under the changed conditions He made a demand once for an addition to his staff He has been given an Assistant Agent to work with him Besides he is given permission to engage as many as he likes for doing other work which is necessary If he feels that his staff is not sufficient to cope with the work, I am sure he will make a demand to this effect and there will be no difficulty on the part of the Government of India accepting any suggestions he may make for augmenting his staff

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official) Before you put the motion, may I just ask one question of the Honourable Member with regard to the unfortunate position that exists in Burma. I have information that owing to congestion in the first and second class berths, Europeans and Anglo-Indians have been disallowed to travel third class.

**Mr N M Joshi** Quite the other way.

**Lieut.-Colonel Sir Henry Gidney** Please do not interrupt me. I know it to be a fact. I especially wrote to one of the shipping agencies in Calcutta and I got an assurance that that will be stopped. I want to ask the Honourable Member if he will kindly see that this sort of thing is not repeated. What I want is that Europeans and Anglo-Indians should be allowed to travel, if they so desire, by third class.

**The Honourable Mr M S Aney** I have heard complaints of both kinds and I have informed the Agent to see that no discrimination is made either in favour of Europeans or Indians.

**Mr Muhammad Ashar Ali** (Lucknow and Fyzabad Divisions, Muhammadan Rural) I think, Sir, there are hundreds of Malaysians in India in different institutions and business places. Has the Government of India thought of making arrangements for their upkeep and education in India now that Malaya has fallen?

**The Honourable Mr M S Aney** I do not think that question really arises out of the motion before the House. If my Honourable friend wants this information, he should table a question to that effect and I will make the necessary inquiry.

**Mr President** (The Honourable Sir Abdur Rahim) I think that will be the proper course.

**Sir Abdul Halim Ghurnavi** (Dacca cum Mymensingh, Muhammadan Rural) Sir, as the Chairman of the Muslim Evacuees Sub Committee in Calcutta, I know from my personal experience how these Indians are evacuated from Rangoon. In steamers which have a capacity of 2,000 passengers, 4,500 passengers are squeezed in. During the five days' voyage from Rangoon to Calcutta a glass of water had to be bought for eight annas and I have personally seen, along with Mr M A H Isphahani when the boats arrived at the Ghat, that there were a number of cases of small children who were practically dying of thirst and water was denied them on the ground of insufficiency of drinking water on board the steamer. We found that the Captain's water was fully intact which he would not allow to be touched. Further, as soon as the boat arrived at the Outram Ghat we forced the Captain to give his water to these thirsty children. We found that sufficient water was stored there which the Captain did not allow to be used on the voyage. Then, Sir, on the voyage a cup of tea was sold for annas twelve and uneatable rotten rice and curry was sold for Rs. 2 per plate. It is in those conditions that we are bringing back our Indians from Rangoon after the services which they had rendered to that country. There was no medical assistance on board the ship except one doctor. There were cases in which we had to telephone from the Jetty for medical assistance to be rendered to those who were almost senseless and after the medical assistance came, those evacuees could be brought out from the ship. And this is not the only



solitary instance. The same story was repeated in cases of other boats that I visited while I was in Calcutta. Our Evacuees Reception Committee has taken up this matter but I thought it better to bring this matter to the notice of the Government on this motion.

**The Honourable Mr. M. S. Aney:** What is this General Committee?

**Sir Abdul Halim Ghuznavi:** It is the General Evacuees Reception Committee and I am the Chairman of its Sub Committee for the Muslim Evacuees.

**The Honourable Mr. M. S. Aney:** I am glad that attention has been drawn to the difficulties which the passengers on board the steamers coming from Burma and Rangoon are undergoing. It will have to be admitted that under conditions in which evacuation is being effected there is bound to be some difficulty with regard to the amenities that are usually to be had on board the ships.

**Sir Abdul Halim Ghuznavi:** Can you call a glass of water an amenity?

**The Honourable Mr. M. S. Aney:** If the conditions are of the nature as described by my Honourable friend, I am sure the matter requires to be investigated. As this General Committee has taken up the question and as soon as the full details are available I am sure the matter will be sent to the proper authorities so that they may go into it very carefully and see that better conditions prevail on board those ships on which Indians are brought back.

**Pandit Lakshmi Kanta Maitra (Presidency Division Non-Muhammadan Rural):** Sir, I also want to speak on this motion.

**Mr. President (The Honourable Sir Abdur Rahim):** The Honourable Member in charge of the motion has replied. The question is—

“That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non-official members to serve on the Standing Committee on Emigration during 1942-43.”

The motion was adopted.

## ELECTION OF THREE MUSLIM MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEJAZ

**The Honourable Mr. Mr. S. Aney (Member for Indians Overseas):** Sir, I move—

“That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three Muslim Members to sit on the Standing Committee on Pilgrimage to the Hejaz, viz. Khan Bahadur Shaikh Fazl-i-Haq Piracha, Maulvi Syed Murtuza Sahib Bahadur and Khan Bahadur Mian Ghulam Kadir Muhammad Shahban.”

**Mr. President (The Honourable Sir Abdur Rahim):** Motion moved.

“That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three Muslim Members to sit on the Standing Committee on Pilgrimage to the Hejaz, viz. Khan Bahadur Shaikh Fazl-i-Haq Piracha, Maulvi Syed Murtuza Sahib Bahadur, and Khan Bahadur Mian Ghulam Kadir Muhammad Shahban.”

**Maulvi Muhammad Abdul Ghani** (Tirhut Division Muhammadan)

12 NOON Sir, the committee which will be elected later on and for which a motion might come later on, I mean the Standing Committee on Pilgrimage to Hejaz, hardly meets. I understand that for the past three years no meetings were held. That is my information. This Committee is called the Standing Committee on Pilgrimage to Hejaz. This is the Central Committee to administer the affairs of Hajis. The condition of the Committee is that it hardly meets. What is the use of having such a Committee elected periodically? If there is any benefit to be derived from the existence of such a Committee, I think some facilities and some powers and privileges should be given to this Committee so that it may be of some use to the pilgrims who go to the Hejaz. The members of this Committee should be asked to visit the ports of Bombay, Calcutta and Karachi to look after the convenience of the pilgrims. I have never known that these members have been asked to be present at the time when the Hajis embark from the ports of Bombay, Calcutta or Karachi. If the Government want to have such a Committee they should come forward to give certain facilities to the members of the Committee so that they may serve some useful purpose.

**Sir Abdul Halim Ghuznavi** (Dacca cum Mynenssingh Muhammadan Rural) Sir, I should first of all like to enquire from the Honourable the Leader of the House as to how many meetings he had of this committee last year.

**The Honourable Mr. M. S. Aney** Let the Honourable Member finish his speech, he wants to say something more. I shall then give the answer.

**Sir Abdul Halim Ghuznavi** I want to draw the attention of the Honourable the Leader of the House to the fact that we have before us a very important report the Haj Special Enquiry Committee Report by Mr J A Rahim. My congratulations go to Mr J A Rahim on the excellent report that he has made. I would like to have an undertaking from the Honourable the Leader of the House who has just moved this motion that that Report will be considered first by this Central Haj Committee which he has asked the House to elect. I also want an undertaking from him that that Report will be placed before this House for discussion some day during this Session and not delayed.

**Syed Ghulam Bhik Nairang** (East Punjab Muhammadan) Sir, I have in my mind exactly the same matter which my Honourable friend, Sir Abdul Halim Ghuznavi, placed before the House. The report made by Mr J A Rahim is a very important document and although I have not yet had time to go through the whole of it, I can say from what I have read of it that it is a document deserving serious attention. If an opportunity is given to us to discuss that report in this House, I think very valuable results can be obtained and the long and elaborate enquiry made by Mr J A Rahim can be fruitful. But if Government merely content themselves with circulating the report to the Members and never give an opportunity for formal discussion of the report on the floor of the House I think the report will be consigned to the record room and

will never be productive of any good result. I, therefore, ask the Honourable the Leader of the House to give us an undertaking today that he will find an early day in the course of this Session for a discussion of that report.

**The Honourable Mr. M. S. Aney** Sir, I can assure the House and Honourable Members that a meeting of the Haj Committee would be called soon to consider the report. In fact that was the undertaking given when this Haj Enquiry Committee was appointed that members of the Haj Committee will get an opportunity of meeting and discussing that report. As regards the second suggestion that this House should have an opportunity, if that is the general desire of the House, then Government will certainly give some convenient day for discussing the report in this House also.

I do not think there is anything else which has been stated which requires an answer from me. As regards facilities, and other things, I believe those members who reside in the ports from which the Haj pilgrims embark, this year especially they were present when the boats left. They take a good deal of interest in looking after the conditions and comforts of pilgrims, when they are staying in Bombay, Calcutta or Karachi. I was myself present this year at Karachi. So I know the amount of interest which members of the Haj Committee who reside in these ports have taken. I do not think members have not got opportunities to do their duties to the pilgrims as has been said by my Honourable friend, Maulvi Muhammad Abdul Ghani. I am gratified at what they have done and I hope they will be doing their work with greater enthusiasm hereafter.

**Maulvi Muhammad Abdul Ghani** Sir, may I know

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member cannot make a second speech.

**Maulvi Muhammad Abdul Ghani** I am only putting a question. May I know from the Honourable the Leader of the House whether he means to say that when provincial Haj Committees are formed, there is no necessity for having a Central Haj Committee?

**The Honourable Mr. M. S. Aney** I have not stated that. I said that members of the Haj Committee who are members of the Central Committee if they are in these ports, they can certainly go and visit these places. They can do so. In fact they do visit actually.

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three Muslim Members to sit on the Standing Committee on Pilgrimage to the Hejaz, viz Khan Bahadur Shaikh Fazli Haq Piracha, Maulvi Sved Murtuza Sahib Bahadur, and Khan Bahadur Mian Ghulam Kadir Muhammad Shahban."

The motion was adopted.

## ELECTION OF A MEMBER TO THE COMMITTEE ON PUBLIC ACCOUNTS

**The Honourable Sir Jeremy Raisman** (Finance Member) Sir, I beg to move

"That the non official Members of the Assembly do proceed to elect, in the manner required by Rule 51 of the Indian Legislative Rules, one Member to be a member of the Committee on Public Accounts in place of Lieut Colonel M A Rahman who has ceased to be a Member of the Assembly "

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

"That the non official Members of the Assembly do proceed to elect, in the manner required by Rule 51 of the Indian Legislative Rules, one Member to be a member of the Committee on Public Accounts in place of Lieut Colonel M A Rahman who has ceased to be a Member of the Assembly "

**Dr. P. N Banerjee** (Calcutta Suburbs Non Muhammadan Urban) Sir, I wish to say a few words about the constitution of the Public Accounts Committee. The other day one Honourable Member, while the report of the Public Accounts Committee was under consideration, was proceeding to discuss the Report of the Public Accounts Committee when you, Sir, ruled that that was not the proper occasion for raising that discussion, and you observed that the proper time for moving such a motion would be when the motion would be made for election of members to the Public Accounts Committee. I wish to point out, Sir, that the constitution of the Public Accounts Committee is unsatisfactory. This Committee now consists of 12 Members of the Legislative Assembly, two thirds of them being elected by the Assembly and the remaining one-third nominated by the Governor General in Council while the Chairman of the Committee is the Honourable the Finance Member *ex-officio*. This constitution differs from the constitution of the Public Accounts Committee which is formed in the British Parliament. There the number of members is 15, all the members being elected and the Chairman of the Committee is by custom a member of the Opposition. I urge that the constitution of the Public Accounts Committee here should be approximated to that in England. In this connection I should like to read out to you an observation made by Sir Basil Blackett many years ago. He said

"The position of the Finance Member as *ex-officio* Chairman of the Public Accounts Committee is not going to be a very easy one. He will be passing, in his capacity as a Member of the Council of the Governor General, criticisms on the Governor General in Council, which will be rather difficult, and I am not sure that as a permanent arrangement it will really work "

This arrangement has been in existence now for 20 years and the time has come when this arrangement must be ended. I urge, therefore, that this unsatisfactory state of things should no longer continue and that the composition of the Committee should be made the same as that of the Committee in England.

**The Honourable Sir Jeremy Raisman** Sir, I do not know whether this is a suitable occasion to take up the question of the composition of the Committee.

**Mr President** (The Honourable Sir Abdur Rahim) I understand the Honourable Member has only made a suggestion. Otherwise he would have to table an amendment if he wanted his suggestion to be given effect to.

**The Honourable Sir Jeremy Baisman:** The constitution is laid down in Rule 51 of the Indian Legislative Rules, and the matter could only be satisfactorily dealt with in a debate on a substantive motion to amend that Rule.

**Mr. President** (The Honourable Sir Abdur Rahim) He was only making a suggestion. I have allowed him to make it because it is relevant to the motion.

**The Honourable Sir Jeremy Baisman:** I have taken note of the Honourable Member's observations, but I cannot hold out to him any assurance that I would be prepared to accept his views.

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

That the non-official Members of the Assembly do proceed to elect, in the manner required by Rule 51 of the Indian Legislative Rules, one Member to be a member of the Committee on Public Accounts in place of Lieut Colonel M. A. Rahman who has ceased to be a Member of the Assembly."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim) I may inform Honourable Members that for the purpose of elections of members for the Standing Committee on Emigration, Standing Committee on Pilgrimage to the Hejaz and the Public Accounts Committee the following dates have been fixed for receiving nominations and for holding elections, if necessary, namely

	Nominations	Election
1 Standing Committee on Emigration	18th February, 1942	20th February, 1942
2 Standing Committee on Pilgrimage to the Hejaz	18th February, 1942	20th February, 1942
3 Public Accounts Committee	18th February, 1942	23rd February, 1942

The nominations for all the three Committees will be received in the Notice Office upto 12 Noon on the dates mentioned above for the purpose. The elections which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote will be held in the Assistant Secretary's room in the Council House, New Delhi, between the hours of 10-30 A.M. and 1 P.M.

#### ELECTION OF MEMBERS TO THE DEFENCE CONSULTATIVE COMMITTEE

**Mr. President** (The Honourable Sir Abdur Rahim) I may at this stage inform the Assembly that up to 12 Noon on Saturday, the 14th February, 1942, the time fixed for receiving nominations for the Defence Consultative Committee only two nominations were received. As the number of candidates is equal to the number of vacancies I declare Sir F. E. James and Mr. M. Ghiasuddin to be duly elected.

#### THE COTTON GINNING AND PRESSING FACTORIES (AMENDMENT) BILL

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) Sir, I beg to move for leave to introduce a Bill further to amend the Cotton Ginning and Pressing Factories Act, 1925.

**Mr President** (The Honourable Sir Abdur Rahim) The question is  
 "That leave be granted to introduce a Bill further to amend the Cotton Ginning  
 and Pressing Factories Act, 1925 "

The motion was adopted

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:**  
 Sir, I introduce the Bill

#### THE INDIAN PATENTS AND DESIGNS (EXTENSION OF TIME) BILL

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar**  
 (Commerce Member) Sir, I beg to move for leave to introduce a Bill to  
 provide for the extension of the time limited by or under the Indian Patents  
 and Designs Act, 1911, for the doing of acts thereunder

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That leave be granted to introduce a Bill to provide for the extension of the  
 time limited by or under the Indian Patents and Designs Act, 1911, for the doing  
 of acts thereunder "

The motion was adopted

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:**  
 Sir, I introduce the Bill

#### THE WORKMEN'S COMPENSATION (AMENDMENT) BILL

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:**  
 (Commerce Member) Sir, I move

"That the Bill further to amend the Workmen's Compensation Act, 1923 be  
 taken into consideration "

Indian seamen are usually engaged in the following categories of sea-  
 going British ships —

- (i) Ships registered in the United Kingdom,
- (ii) Ships registered in British India under the United Kingdom  
 Merchant Shipping Act, 1894, and
- (iii) Ships registered in British India and under the Bombay Coast-  
 ing Vessels Act, 1838 or the Indian Registration of Ships Act,  
 1841

Ships in the last category are generally small sailing vessels from 200 to  
 300 tons which ply along the coast and their personnel are paid very  
 much less than the seamen on ships mentioned in the first two categories  
 which are ocean-going vessels

On the outbreak of war, His Majesty's Government passed an emer-  
 gency enactment called the Pensions (Navy, Army, Air Force and Mercan-  
 tile Marine) Act, 1939. In exercise of the powers conferred by this Act  
 that Government have framed two schemes. First, the War Pensions  
 and Detention Allowances (Mercantile Marine, etc.) Scheme, 1939, which  
 provides for payment by the State of compensation to officers and non-  
 Indian seamen in respect of war injuries or detention suffered by them,  
 while serving on sea going ships registered in the United Kingdom.  
 Second, the War Pensions and Detention Allowances (Indian Seamen,

etc.) Scheme, 1941, which provides for payment of compensation by the State for war injuries or detention of Indian seamen serving on sea-going ships, referred to above

His Majesty's Government have at the request of the Government of India agreed to extend the provisions of both the schemes to the personnel of ships registered in British India under the Merchant Shipping Act, 1894

As regards the compensation for the personnel of ships registered under the Indian Acts, the Central Government have, in pursuance of a Resolution which I had the honour to move in this Legislature during the last Budget Session and which was adopted by the House, framed a scheme called the War Pensions and Detentions Allowance (Indian Seamen) Scheme, 1942, which is based on the United Kingdom compensation Scheme, mentioned by me already

In September, 1939, the Workmen's Compensation Act, 1923, was first amended with a view to relieve shipowners of their liability to pay compensation to seamen under the Act in respect of injuries for which a payment could be obtained under any scheme of compensation made by competent authorities in the United Kingdom. The names of the scheme were not mentioned in the amendment as they were still under consideration at the time. Further, as those schemes provided for the payment of compensation to seamen serving on ships registered in the United Kingdom and have been extended only to the personnel of ships registered in this country under the Merchant Shipping Act, 1894, the relief provided is not available to owners of ships registered under the Indian Acts of 1888 and 1841, that is to say, those small vessels of 200 to 800 tons which I have referred to and which ply along the coast. The Central Government have now assumed responsibility for the payment of compensation for war injuries or detention of seamen serving on ships registered under the Indian Acts and have framed the necessary scheme. It is therefore necessary further to amend section 15 of the Workmen's Compensation Act in order that a seaman who can obtain compensation under the scheme made by the Central Government cannot claim for the same injury any compensation under that Act from his normal employer. The legislation proposed is intended to secure this object. I have taken this opportunity, Sir, to insert the specific names of the United Kingdom and the Central Government Schemes and to carry out certain formal amendments rendered desirable by the actual provisions of those Schemes. Sir, I move that the Bill be now taken into consideration.

**Mr. President** (The Honourable Sir Abdur Rahim) Motion moved

"That the Bill further to amend the Workmen's Compensation Act, 1923, be taken into consideration."

**Mr. N. M. Joshi** (Nominated Non-Official) Sir, the object of the Bill, as was explained by the Honourable Member in charge of the Department, is to relieve the employers of their responsibility for the payment of compensation under the Indian Workmen's Compensation Act. Now, Sir, before we agree to the passing of this measure, it is our duty to see that the Indian seamen do not lose anything on account of passing of this measure. The Indian Workmen's Compensation Act provides a certain amount of compensation. Now, this Bill is being passed in order to relieve the employers of their responsibility under that Bill. It is obvious that during war times the risk taken by the Indian seamen is greater and

[Mr N M Joshi]

the injuries inflicted also are more serious. Therefore, it will be accepted by the Government of India that the compensation to be paid under any scheme which may be made for the war period should not be less than the compensation available under the ordinary Indian Workmen's Compensation Act.

Sir, although this Bill looks to be a small Bill, if we have to consider the effects of the new Schemes it is not very easy. In the first place, I am suffering from a little disadvantage inasmuch as I have not yet been able to secure a copy of the Scheme first mentioned in section 2, namely, War Pensions and Detention Allowances (Mercantile Marine, etc.) Scheme, 1939. I have been able to secure from the Commerce Department the Schemes referred to after that, i.e., the second scheme and the third scheme. You will, therefore, see that it is difficult for us to consider this Bill in detail.

Sir, I have no desire to delay the passing of this measure as I do not know what will be the effect of delaying, but I would like the Government of India either to delay this measure and enable us to consider it in detail or, if they think that on account of the war emergency the Bill should not be delayed, I would like the Honourable Member to give an assurance to the House that after the passing of this measure the Schemes which are referred to in this Bill will be considered by the Government of India in consultation with the representatives of the Indian Seamen's organizations. The Bill was introduced only recently. The Honourable Member is asking the House to take it into consideration today, after only a few days. The organizations of Indian Seamen have had no opportunity of either seeing the Bill or seeing the Schemes which have been put forward under this Bill and under the British legislation. My first suggestion, therefore, is that either the Bill should be delayed and we should be supplied with copies of all the schemes, and the Bill should be circulated and organizations of Indian seamen should have an opportunity of seeing these Schemes, or, if the Honourable Member thinks that the passing of the Bill cannot be delayed, I would like him at least to assure the House that he will take steps to consult the organizations of Indian seamen as regards all the Schemes which are referred to in this Bill.

Sir, the Honourable Member has already explained that the Indian seamen are affected by this Bill as regards the three schemes which have been made either by the Government of the United Kingdom or by the Government of India. Now, there are Indian seamen who serve on ships registered in the United Kingdom. A Scheme called the War Pensions and Detentions Allowances (Indian Seamen) Scheme 1941 has been made by the British Government—the Board of Trade in Great Britain. The first point which I would like to know is this, whether the British Government have made any discrimination between the compensation paid to the British seamen and that paid to Indian seamen by British companies. Unfortunately, a copy of the scheme under which the British seamen are paid is not at present available here, and I cannot really compare what is paid by the British shipping companies to British seamen with what they pay to Indian seamen. Of course, I have got some information about the scheme for paying compensation for loss of effects but that will come when the Honourable Member moves his second Bill—I shall not deal with that subject on this Bill.



Then there is the second point which I would like to make as regards seamen who are serving on ships registered in the United Kingdom. That point is as regards the administration of the schemes. From the scheme it appears that the administration of the scheme is in the hands of the Board of Trade. I would like the Government of India to tell the House what facilities the Indian seamen will have to secure compensation under those schemes in India. It is not easy for Indian seamen to secure compensation or pensions or whatever benefits the scheme may be giving to Indian seamen. The question of administration of the scheme is of great importance and it is necessary that if the Indian seamen are to get the real benefit of this scheme, there must be some facilities given for Indian seamen to secure benefits from the scheme made by the Government in the United Kingdom.

Then I come to the question of the benefits provided under these schemes. The first point which it is necessary to take into consideration is whether the benefits given, as I have mentioned, are at least equal or greater than the benefits given under the Workmen's Compensation Act. The second point to be considered is whether the benefits or compensation promised is sufficient for protecting the interests of the Indian seamen. From that point of view I would like to make a few remarks on the schemes made by the British Government and by the Government of India.

The first point is a very small point as regards the age of children. The children of seamen get certain benefits and the age in the scheme is laid down at 14. Under the Indian Factories Act and in some other labour legislation in India, the age of children is generally laid down as 15 and not 14. I would suggest to the Government of India to consider this question, that a child should be defined under the scheme as one who has attained the age of 15 and not 14.

The second point which I notice in the new scheme is, that the compensation to be paid to Indian seamen is based upon pre-war rates of wages. I think this is not quite a fair provision. Under the ordinary Workmen's Compensation Act, the Indian seamen is paid compensation not on pre-war rates of wages but on the existing rates of wages. The Indian seamen have since the war secured a permanent increase in their wages by 25 per cent. If rates of compensation or benefit are based upon pre-war rates, the Indian seamen will lose. I would, therefore, like the Government of India to consider this question of pre-war rates of wages. The compensation to be paid must be based, not upon pre-war rates of wages, but upon the existing rates of wages. Then, under the scheme, the scales of compensation laid down, in my judgment, are not adequate. They pay some compensation for certain injuries to certain classes of people. I would like the Government of India to revise these scales in consultation with the organisations of Indian seamen.

I do not wish to go into further details, but I would urge upon the Honourable Member in charge of the Department that the schemes referred to in this Bill should be discussed by him with the representatives of organisations of Indian seamen and if they find out any defects in this Bill, the Honourable Member should try his best to secure amendment of those schemes. It is true that the schemes for paying compensation and pensions, etc., to Indian seamen serving on ships registered in the United Kingdom will have to be made by the Government in the United Kingdom, but I would like the Honourable Member in charge of the

[Mr N M Joshi]

Department as the protector of Indian seamen to make representations to the British Government so that the schemes made by them would be amended suitably in the case of Indian seamen

I do not wish to take up more of the time of the House. I hope the Honourable Member will take my suggestions into consideration and see that the schemes are amended suitably so that the Indian seamen serving on ships registered in the United Kingdom as well as on ships registered in India, will get proper and adequate benefits under these schemes

**Maulvi Muhammad Abdul Ghani** (Tirhut Division, Muhamnadan) Sir, I hardly think that there is any necessity for passing this legislation. As is mentioned in the Statement of Objects and Reasons, it is to prevent the possibility of double claims—that if a number of seamen or any particular seaman are paid compensation under the British Act or under the Act of 1941, then he should not be paid any compensation under the Act of 1928. It is a reflection on the character of Indian seamen. In our daily life we see thousands of cases in the railways and other departments where refunds are made. Here, in this case, if anybody is paid double, he should only be asked to make a refund and that would have been enough. Then there would be no necessity for having this legislation. This is nothing but a reflection on the character of Indians and I am, therefore, of the opinion that such kind of legislation should not be passed.

**Mr Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions, Muhamnadan Rural) Sir, at the outset I may say that my experience in this House about these compensation and pensions to disabled soldiers and seamen has been very sad indeed. Perhaps the Honourable Member who has moved this motion will himself remember, and perhaps it will be in the recollection of this House that I moved in this very House a Resolution on this subject and it was then accepted by the Government. I am afraid, however, as my friend, Mr Joshi, has pointed out, there will be very great difficulty for these seamen individually to apply and get compensation. It is said that they can apply through their organizations, but as Mr Joshi points out, those organizations should be consulted in regard to payment of compensations and pensions to individual seamen. My experience is that even if these disabled soldiers and seamen were to start organizations or agencies of their own, it will be very difficult to get compensations or pensions even through those organizations, inasmuch as the agent or the person who will run the organization will be harassed by the police or the magistrate, with the result that thousands will be denied their pensions. This has happened before, and it will happen again after the war is over. It is very easy to pass legislation for the benefit of disabled seamen or soldiers, but in the practical working of such Acts, the interests of these poor people are always ignored. So, as my friend, Mr Joshi, has suggested, this matter ought to be very carefully considered, and the advice of the representatives of the Unions should be sought.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Mr President, as regards the point raised by Mr Abdul Ghani, this is a legislation which, if passed, would remove the liability from the employer to pay the compensation, otherwise there will be a double liability, one of

the State to pay compensation and another on the employer to pay compensation. It is obvious that legislation of this kind should be passed.

I now turn to my friend, Mr. Joshi's suggestions and arguments. I may at once say that though the Board of Trade is legally the administrative body, the administration is carried on and has necessarily to be carried on by the Government of India on behalf of the Board of Trade. We are the persons who know all the details of the seamen,—I may incidentally say that the term 'Indian lascars' is no longer in use,—we are in a position to get all the materials, and the administration of the fund virtually is being done by the Government of India. Sir, Indian seamen are first engaged in the ships registered in the United Kingdom. They are also serving in the ships registered in India, but under the Parliamentary Act, and therefore under the legislative control of the United Kingdom. Now, with reference to the first category, the compensation is paid by His Majesty's Government. With reference to the second category, the compensation is paid by the Government of India. It is obvious that a different system of compensation cannot be adopted for Indian seamen serving in Indian registered ships. The United Kingdom Government has published a scheme of compensation and we have adopted it *in toto* in this country. The question of revising that scheme is obviously a very difficult one.

The third scheme refers to vessels registered in India under Indian Acts where the Indian seamen serve under different conditions altogether, and the Central Government has framed a scheme as far as possible keeping the spirit of the scheme applicable to Indian seamen serving in the first two categories. There are two questions—one is the question of the extent of compensation, and the other is the question of administration and administrative details. With reference to the extent of compensation, I may at once say that it will be exceedingly difficult, especially with reference to the first two categories, to have the scheme revised. At the best we can only make recommendations to His Majesty's Government if such a course is considered desirable. I should like to add that the scheme of compensation provided is, of course, better than the scheme of compensation under the Workmen's Compensation Act, 1923, so that any delay in applying the scheme will be detrimental to the interests of the seamen.

My Honourable friend has suggested that I may get the benefit of consultations with representatives of Indian seamen. I shall certainly do so. I shall certainly invite the representatives of Indian seamen to meet the representatives of the Commerce Department particularly to consider the question of administrative details on which I should like to have their valuable help. The scheme has been published, and in the light of their representations regarding any difficulties in administration, I am prepared to consider what amendments can be carried out, but with reference to the amount of compensation itself, I am bound to say that it will be very difficult to get the scheme revised, particularly as this is a scheme which has been framed by His Majesty's Government. I certainly will be glad to hear what they have to say, but I should not like the impression to go abroad that at the conference suggestions for the improvement of the rates under the scheme can be made or what is more important can be adopted by the Government of India.

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

That the Bill further to amend the Workmen's Compensation Act, 1923, be taken into consideration "

The motion was adopted

Clauses 2 and 3 were added to the Bill

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill.

**Diwan Bahadur Sir A. Ramaswami Mudaliar.** Sir, I move

"That the Bill be passed "

**Mr. President** (The Honourable Sir Abdur Rahim) Motion moved

"That the Bill be passed "

**Mr. N. M. Joshi** Sir, I do not wish to detain the House long, but I would like to say a few words with regard to the remarks made by the Honourable the Commerce Member that we should not expect changes in the scales of compensation provided by the British Government for seamen serving on ships registered in Great Britain. I do not know, Sir, why the Honourable Member made that remark. It seems that in his opinion the British Government are not willing to consider reasonable proposals. The British Government have made a scheme for compensation to Indian seamen serving on British ships, and this scheme has been framed without consulting the Indian seamen who are serving on British ships. It was wrong for them to make a scheme without consulting the Indian seamen, but I am sure the British Government will not be so unreasonable as to say that, although they have done a wrong thing in framing the scheme without consulting the organization of the Indian seamen, they will not even consider the suggestions made by the representatives of Indian seamen. If the British Government is not willing to take the trouble of knowing what views of the Indian seamen are regarding the scheme, they can do without the services of the Indian seamen. I am sure under the present circumstances the Indian seamen will not be so very enthusiastic to serve on British ships when the British Government may not be willing to consult Indian seamen in considering under what conditions Indian seamen should serve on British ships. I therefore feel that if the Honourable Member makes a proper representation to the British Government regarding all matters, not only regarding the administration of the scheme, but also regarding the question of the suitability of the rates of compensation, pension and other matters, they will be ready to consider the suggestions made by the organizations of Indian seamen.

**Mr. President** (The Honourable Sir Abdur Rahim) The question is -

"That the Bill be passed "

The motion was adopted

## THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) Sir, I move

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, be taken into consideration"

This Bill refers to compensation for loss of effects of various Indian seamen whose effects are lost by enemy action on the sea. Here also there are the three categories of seamen to which I have already referred in connection with the previous Bill. In the United Kingdom an emergency legislation has been passed—the Act to which I have already referred—the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939. Under section 6 of that Act His Majesty's Government have framed a scheme called the Compensation to Seamen (War Damage to Effects) Scheme, which provides for the payment of compensation by the State for loss of effects sustained as a result of enemy action by seamen while serving on ships registered in the United Kingdom. The scheme applies to Indian seamen also and the compensation payable ranges from Rs. 367 for carpenters to Rs. 80 for lascars, greasers, etc. The same scale at the request of the Government of India has been applied by His Majesty's Government to the personnel employed on ships registered in this country but under the Merchant Shipping Act of England. As regards seamen employed in the coasting vessels registered under the Indian Acts a similar scheme has been drafted by the Government of India and has been published. Naturally, the rates payable for compensation under this scheme are less than the rates under the previous scheme because the effects carried by seamen in small boats ranging from 2 to 200 tons are much less in value than the effects carried on the sea going vessels either registered in this country or registered in the United Kingdom. Sir, I move that the Bill be taken into consideration.

**Mr. President** (The Honourable Sir Abdur Rahim) Motion moved

amend the Indian Merchant Shipping Act, 1923, be

I find that there is a motion in the name of Maulvi Muhammad Abdul Ghani, asking for circulation. Does he want to move it?

**Maulvi Muhammad Abdul Ghani** (Tirhut Division, Muhammadan) I am not moving it.

**Mr. N. M. Joshi** (Nominated Non-Official) I would like to make a few remarks on this Bill. I would like to know whether the scheme as regards seamen serving on ships registered in the United Kingdom makes any discrimination between the British seamen and the Indian seamen as regards scales of compensation. When I made my speech on the previous Bill I said that I did not have a copy of the scheme which applied to

[Mr N M Joshi]

British seamen, but as regards this Bill which contains a scheme for paying compensation for loss of effects, I have got a copy, and I find that there is discrimination made between the rate of compensation paid to British seamen and that paid to Indian seamen. Under this scheme which is called the War Damage to Effects Scheme, 1939, there are separate rates given for British seamen and Indian seamen although doing similar work. For instance, I shall take the category of chief steward. The chief steward, if he is a Britisher, gets £40 as compensation for loss of his effects. If he be a native rating—the Honourable Member told us that Indian seamen will hereafter be called by the honourable title of “Indian seamen” but in Great Britain they have still the old word “native rating”. I am not ashamed of being called a native of India, but unfortunately, I do not like an Englishman in England calling me a native. Sir, there is a difference. The British chief steward is given a compensation at the rate of £40 and the Indian chief steward is given a compensation at the rate of £15. I would not like the Govt of India to accept a scheme in which this racial discrimination is made. The Honourable Member said as regards compensation to be paid to Indian seamen serving on ships registered in India, that they should “naturally” be paid a smaller rate of compensation. I do not see much naturalness in paying a smaller rate of compensation, and I would repeat the suggestion which I have made as regards the other Bill, namely, that he should take into consultation representatives of organisations of seamen in India as regards the scheme for payment of compensation for loss of effects, and whatever suggestions the representatives of Indian seamen may have to make should be taken into consideration by the Government of India.

**The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar.** I am afraid my Honourable friend has entirely misunderstood the nature of this Bill. This is not a provision for compensation for any work done. It is not compensation which has anything to do with the rate of pay even. It is compensation for the loss of effects and therefore the question is, what are the effects which are usually carried by different kinds of seamen,—what are the effects which a British chief steward carries with him, that is to say, what sort of movable things he carries with him on board the steamer, what is the movable property that an Indian seaman has got on board the steamer, what is the movable property that an Indian seaman serving in 2 to 200 ton boats plying between Bombay and Karachi carries,—and the compensation has been fixed on the basis of that. Elaborate investigations have been made. The principal mercantile marine officers of our department have gone into the question of effects and the value of these effects with each class of seamen, and compensation has been based on that. There is no discrimination whatsoever. If there is discrimination, it starts at the stage when the Indian seaman carries less effects on board than a British seaman.

**Mr. N M. Joshi** Who is to prove?

**The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar:** I have no objection if representatives of Indian seamen want to make any observations on this. I should be glad to have them considered at the conference which I have already said may be convened.

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, be taken into consideration"

The motion was adopted

Clause 2 was added to the Bill

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** I move

"That the Bill be passed"

**Mr. President** (The Honourable Sir Abdur Rahim) Motion moved

"That the Bill be passed"

**Mr. N. M. Joshi:** The only remark I want to make as regards the speech of the Honourable the Commerce Member is this. He thought that I was under a wrong impression or I had misunderstood the effect of this Bill. So far as I can see, I have not misunderstood the scope of the Bill or the effect of the Bill. The only misunderstanding is that he thinks a British seaman necessarily carries effects more valuable than an Indian seaman. I consider that an Indian seaman requires effects as valuable as those required by the British seamen.

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill be passed"

The motion was adopted

## THE INDUS VESSELS (AMENDMENT) BILL

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) Sir, I move

"That the Bill further to amend the Indus Vessels Act, 1863, be taken into consideration"

Section 8 of the Indus Vessels Act, which was passed in the year 1863, provides for the establishment of pilots and pilot boats near the mouths of the river Indus and accordingly a pilotage service was set up at the Thuraan mouth of the river at the request of the merchants of Keti Bunder. The service was intended mainly for the convenience of country craft, and was financed out of a fund called the Sea Pilotage Fund built up from the pilotage fees levied on the vessels using the Thuraan mouth. The Fund was originally under the control of the Indus Conservancy and Registration Department and was handed over to the Port Officer, Karachi, in 1899. Later on, in 1906, its administration was transferred to the Collector of Customs, Karachi. The pilotage service was more or less self-supporting till the year 1932, when, owing to the growing disuse by country craft of this mouth of the river as a result of the diversion of trade from Keti Bunder to Shah Bunder, the Fund began to show signs of deficit and all efforts to improve its position proved of no avail. The Government of Sind, who were formally in control of the Sea Pilotage Fund, asked the Collector of Customs, Karachi, to consider the desirability of

[*Diwan Bahadur Sir A. Ramaswami Mudaliar*]

abolishing it and of discontinuing the pilotage service. Various commercial bodies were consulted on this suggestion. The Indian Merchants' Association, the Buyers and Shippers Chamber and the Karachi Chamber of Commerce who were consulted were unanimously of the opinion that there could be no objection to the closing down of this pilotage service and, therefore, to the suspension of the collection of this Fund. The majority of tindals were fully conversant with the navigation of the various mouths of the Indus and the need for compulsory pilotage no longer existed. The Government of Sind were willing to have legislation on these lines moved, because that was within their competence, but in the meanwhile the Government of India Act, 1935, was passed and, under the Adaptation Act, this legislation became a Central responsibility. It is under these circumstances, Sir, that I find myself in the position of having to move in this Honourable House an amendment to this Act. The present Bill is designed to repeal so much of that Act as relates to the levy of pilotage fees, the maintenance of pilotage establishments and other connected provisions. Sir, I move.

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

"That the Bill further to amend the Indus Vessels Act, 1863, be taken into consideration."

I understand there is a motion in the name of Maulvi Muhammad Abdul Ghani.

**Maulvi Muhammad Abdul Ghani** (Tirhut Division, Muhammadan) I am not moving it.

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill further to amend the Indus Vessels Act, 1863, be taken into consideration."

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** Sir, I move.

"That the Bill be passed."

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill be passed."

The motion was adopted.

#### THE INDIAN MEDICAL COUNCIL (AMENDMENT) BILL

**The Honourable Mr N. R. Sarker** (Member for Education, Health and Lands) Sir, I move.

"That the Bill further to amend the Indian Medical Council Act, 1933, be taken into consideration."

This, Sir, is a very short and simple measure and I am not sure that I should take up the time of the House in adding to what is set out in the



**Statement of Objects and Reasons** One of the most important functions of the Medical Council is to provide for the inspection of the conduct and sufficiency of examinations held in the medical institutions of the country for conferring medical qualifications. Under section 16 of the Act, the Executive Committee of the Council appoints Inspectors for this purpose and the Inspectors are paid for their work. The Council has represented to the Government that it would be advantageous if it could occasionally have the benefit of the advice of members of its own body on the conduct of these examinations. It is doubtful whether under the Act members of the Council itself could be appointed as Inspectors, and even if this is so, it would probably not altogether be suitable that the Executive Committee appoint a member of the parent body to hold the paid posts of Inspectors. That is why the Medical Council has approached us to see that this power is given to them, for which they shall not be entitled to any remuneration. In view of the importance of the responsibility which has been given to the Council, I recommend that, to implement that responsibility, this power should be given to them. I commend this measure to the House.

**Mr. President** (The Honourable Sir Abdur Rahim) Motion moved

"That the Bill further to amend the Indian Medical Council Act, 1933, be taken into consideration."

**Maulvi Muhammad Abdul Ghani** (Tirhut Division Muhammadan) Sir, I move

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1942."

Sir, there is no hurry about the passing of this legislation. Besides, the Statement of Objects and Reasons makes mention that this Bill is needed to see that the medical examinations are up to the standard. Papers are set and written, questions are given to the examinees and the Executive Committee of the Medical Council appoints Inspectors to watch and conduct the examinations. That is enough but here one machinery is going to be added and the new machinery is termed 'visitors'. The members of the Executive Committee of the Indian Medical Council cannot be the Inspectors and, therefore, it is their desire that there may be visitors and this piece of legislation expressly provides that the members can be visitors. So, it appears that this Bill has been brought for the advantage of the members of the Executive Committee of the Indian Medical Council. So much for the proper standard of the medical degree and here it is mentioned that the visitors will be honorary persons but what about their travelling expenses. They will be paid more than what is needed for a salaried person. I think that under this shelter this piece of legislation should not be passed without being referred to the experts and those interested in the medical education. I hope the Honourable the Mover of the Bill will accept my amendment and he will not lose anything by circulation. On the other hand, he will be benefited by the suggestions that will be made hereafter. With these few words I move my amendment and hope that the Honourable Members in the House will support it.

**Mr. President** (The Honourable Sir Abdur Rahim) Amendment moved

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1942."

The debate will now be on the main motion and the amendment.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official) Sir, I support the principle underlying this Bill whole-heartedly. The amendment has not appealed to me in the slightest degree because I think the Bill relating to the Medical Council, when it was first introduced, was circulated to such an extent that the public opinion necessary was obtained at that time. Since then, I think, this measure is one of a very necessary improvement rather than one for further inquiry. Apart from that, I do remember when the Indian Medical Council Bill was passed by this Honourable House at a time when all Medical institutions in India were subjected to an examination by an Inspectorate that came from England, a serious and quite justifiable objection was raised by the Indian Universities against that practice. The desire for the Council now to have its own Inspectors meets with my entire approval and I am glad to know that it will be done. But how they are going to do it free of charge is a puzzle which I cannot solve. But there is another aspect which, I think, I must mention and bring to the notice of the Honourable Member. How will these Inspectors inspect these institutions and these examinations when the profession of medicine, to which I have the honour to belong, one that is considered to be the most scientific profession in life is so compartmented? It is the only Department in this country which compartments itself into certain segregated classes such as, sub-assistant surgeons, assistant surgeons, civil surgeons, the old L M S, M B's, Membership of Faculty of Medicine and other qualifications. You have a heterogeneity of degrees and qualifications and, instead of progressing as England has done and bring all the doctors under one register, we are dividing ourselves and refusing to allow Licentiates to be registered on the same registers as graduates. Besides, you insist on this Medical Council that only graduates should be enrolled. In India the treatment of the sick is done mainly by the thousands and thousands of sub-assistant surgeons or those men who have qualifications and not degrees and yet to these thousands you deny registration. May I tell the Honourable Member that the degree does not make the doctor, the doctor makes the degree. These hundred, and thousands of qualified men who have qualifications of a very high order and who have had five years continuous training are deprived of being taken on this register. Why? In the name of these thousands and thousands of Indian medical men I protest against it and I think it is time the Government took a very firm attitude and put them on one register instead of having two separate registers. I consider that this Bill requires serious modification and I bring this to the immediate notice of the Honourable Member that it is high time we stopped this division and brought all medical men in the country on one register and so conform to what obtains in all medical registers and councils in the whole world.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly reassembled after Lunch at Half Past Two of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair.

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**Mr Jamnadas M Mehta** (Bombay Central Division Non-Muhammadan Rural) Sir, I was glad that my Honourable friend, Lieut.-Colonel Sir Henry Gidney, lent the weight of his name and authority as a

medical gentleman to the proposal which he made to the Honourable Member in charge of the Bill. I am not against the Bill at all. Nor am I necessarily inclined to favour the amendment for the circulation of the Bill, if the Government think that it is important to pass it here and now. I want to draw the attention of the Government to the fact that while these visitors may be useful and probably will be useful, the whole thing is vitiated by the fact that a large number of qualified medical men are excluded from registration—I mean the Licentiates. Under the Medical Council Act, you do not permit these qualified medical men who are now declared to be thoroughly competent to be on the register. Therefore, in the appointment of the Council who in its turn will appoint the visitors there is a gap, namely, a very large number of Indian qualified medical men have no share in the appointment of the Council which will appoint the visitors. I would, therefore, suggest, to the Government that they should take immediate steps to amend the Act by allowing the registration of these men so that the medical Council may be complete from all points of view and it may appoint the right kind of visitors as is visualised under the Act. Government are probably aware that this has been done in England, and under the pressure of war the British Medical Council has done that. This recognition of the licentiates by the authorities in England is a pointer to the Government here that they should no longer delay doing the same thing here. I may add that the Indian Medical Association and other Medical Associations in this country have favoured the inclusion of these licentiates on the register and your Medical Council will be complete only when these people are registered because they are equally competent with the rest of the medical men in this country. Today they are a kind of depressed classes among the medical practitioners. They possess the qualification, but the law does not recognise them and I think at least so far as the war is concerned, no further delay should take place in making them qualified and in allowing them to register their names under the Act. I hope the Government will give proper consideration to this.

**The Honourable Mr. N. R. Sarker.** Sir, in moving his motion my Honourable friend, Maulvi Muhammad Abdul Ghani, advanced three reasons for circulation of this Bill for eliciting public opinion. First, he said what is the hurry about passing this legislation and he has counselled delay so that experts may be consulted. Sir, the Medical Council is an expert body appointed by the Government and they want for the due discharge of their responsibilities this power of appointing visitors to satisfy themselves that the examinations are carried on keeping the proper standard. So by delaying we cannot meet that position. The Medical Council has made this request to us after an experience of five years after the establishment of the Medical Council. In October 1939, they represented to the Government that they should be vested with this power. Sufficient time has also elapsed in consulting the Provincial Governments and also the various Universities who have got medical faculties under them and they overwhelmingly favour legislation on the lines suggested by the Indian Medical Council. Sir, I am grateful to my Honourable friends, Col. Sir Henry Gidney and Mr. Jamnadas Mehta for supporting this Bill. I have got every sympathy for the Licentiates whose cause

[Mr N R Sarker]

they are advocating I have not yet had time to look into the matter. This is a very complicated matter hotly debated in the Legislature. I can only say that I will look into the matter with some interest.

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1942."

The motion was negatived.

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill further to amend the Indian Medical Council Act, 1933, be taken into consideration."

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Mr N. R. Sarker** Sir, I move

"That the Bill be passed."

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill be passed."

The motion was adopted.

#### THE INDIAN PENAL CODE (AMENDMENT) BILL

**The Honourable Sir Sultan Ahmed** (Law Member) Sir, I move

"That the Bill further to amend the Indian Penal Code be taken into consideration."

Sir, the object of the Bill is to provide a definition for the word "harbour" in the various sections of the Indian Penal Code. There are two sets of sections in the Indian Penal Code where the word "harbour" has been used. The first set is sections 130, 136 and 157. The second set consists of sections 212, 216 and 216-A. Under section 130 provision has been made with respect to punishment for harbouring an escaped prisoner of war, etc. Under section 136, provision has been made for harbouring an Army and Navy or Air force deserter. Under section 157 provision has been made for harbouring persons hired for unlawful assembly. Sections 212, 216 and 216-A refer to harbouring an offender or harbouring of escaped offender or harbouring robbers or dacoits. Until 1894, there was, however, no definition of 'harbour' anywhere in the Indian Penal Code. In 1894, by Act III of that year, section 216-B was enacted which provided for the definition of the word 'harbour' under sections 212, 216 and 216-A. By a mere omission no reference was made to the first set of sections, that is sections 130, 136 and 157. The result was that while section 216-B gave the definition of 'harbouring', as the word occurred in sections 212, 216 and 216-A, the definition of "harbour" under sections 130, 136 and 157 remained the dictionary meaning of the word. There was absolutely no reason for this irrational distinction made between these two sets of sections and it appears to us that it was a mere omission, and these sections were overlooked.

As Honourable Members of the House will be pleased to see, section 216-B defines the word 'harbour' as supplying a person with shelter, food, drink, money, clothes, arms, ammunitions or means of conveyance or assisting a person in any way to evade apprehension. This definition of harbouring which is fairly comprehensive could not be applied to the word 'harbouring' as used in the earlier sections to which I have already referred. The dictionary meaning, however, of the word 'harbour' is simply giving shelter, refuge, that is all. The question arises whether giving of food or drink, money, clothes, arms and ammunitions or means of conveyance, as given in the definition of 'harbour' under section 216-B, can possibly relate to earlier sections. In our view the very fact that sections 212, 216 and 216-A were explicitly referred to in section 216-B repelled any interpretation of the word 'harbour' in the earlier sections by this definition. Therefore, this difficulty had to be got over and we, therefore, have thrown the definition of 'harbour' in Chapter II, the Definition Chapter as a new section 52-A and have not only given the definition as given in section 216-B but have also resolved the difference of opinion between the Calcutta and the Lahore High Courts on the one side and the Allahabad High Court on the other with respect to the last few words of section 216-B. It was held by the Allahabad High Court that " 'assisting' a person in any way " did not include some other acts which were not *ejusdem generis* with the earlier words used. On the other hand the Lahore and the Calcutta High Courts held that it did.

In order to resolve that conflict of judicial opinion, we have, as Honourable Members will see, inserted in the definition the following words "whether of the same kind as those enumerated in this section or not to evade apprehension". By clause 3 of the Bill we have accordingly omitted section 216-B of the Indian Penal Code. I suggest to the House that this amendment is absolutely necessary in order not only to resolve the conflict of judicial opinion between the different courts in India as regards the interpretation of section 216-B, but also to provide a definition which may be an all-embracing definition for the earlier sections of the Code, that is, section 130 and the other sections which I have just mentioned. During these times of war, Honourable Members of the House will fully appreciate that when we have got thousands and thousands of prisoners of war in different places, a provision like the one which we submit for the consideration of the House should at once be enacted without any further delay. Indeed cases have come to light which demand this amendment being put through immediately because prisoners have escaped from some of the centres and they have been helped before escape and after escape. Therefore, the House, I feel almost certain, will not wait for any unnecessary circulation of this Bill or for reference to Select Committee. I may add that the Bill was sent to the different Provincial Governments and all the Provincial Governments and the High Courts whose opinions have been received are unanimous in their support of the Bill. Sir, I move

**Mr. President** (The Honourable Sir Abdur Rahim) Motion moved

"That the Bill further to amend the Indian Penal Code be taken into consideration."

**Mr. K. O. Neogy** (Dacca Division Non Muhammadan Rural) Sir, I move

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st July, 1942"

**Mr. President** (The Honourable Sir Abdur Rahim) Amendment moved

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st July, 1942"

**Mr. K. O. Neogy** Sir, the Bill has been introduced by the Honourable Member with two different objects as has just been explained by him. The first is to extend the definition of 'harbour', which at the present moment applies only to three sections of the Indian Penal Code, to three others which are not governed by the definition as it obtains in the present enactment. The second object is to expand this definition itself by the addition of certain expressions. I may at once make it clear that it is not my intention to raise any debate with regard to the second one. But as regards the first point, namely, whether the definition of the word 'harbour' as given in section 216-B should be made to apply to sections 130, 136 and 157 of the Indian Penal Code, I should like to make some remarks.

My Honourable friend has said that when this section 216-B was added to the Code by way of amendment in 1894,—it was actually passed in 1893, the enactment being dated 1894,—the Legislature of the day made an omission in not referring to the three earlier sections, and the definition which was provided was made to cover only the subsequent three sections. So far as this point is concerned I would like to point out that although in those days the Legislature was a very much smaller body, it did not certainly lack in legal talent, and when I refer to the proceedings of the Imperial Legislative Council of 1893 which dealt with this question, I find among others the name of Dr. Rash Bihari Ghose as having been present and participated in the proceedings of that Council. When I turn to the proceedings, I am led to think that they had a very lively sense of importance of making a distinction between these two categories of sections, namely, the earlier three sections and the subsequent three sections. It is not that they made a specific reference to this distinction but when one goes through the proceedings of the debate one is struck by the fact that all the time the members were conscious of the fact that the standard that could be applied for the purpose of judging the guilt of a person who would harbour an offender and a criminal, would certainly be different from the standard to be applied to the conduct of a person who would afford asylum to one who could not strictly be called a criminal or a felon,—if we could borrow that word from the English law. If one looks at the definition itself as provided in section 216-B one cannot help being struck with the resemblance which this has with the definition of a felony with which an accessory after the fact can be charged under the English law. This is what Stephen, for instance, says while describing the elements that would go to make up the offence with which an accessory after the fact can be charged. "Receives, relieves, comforts or assists the felon".

If one were to look at the wording of section 216-B, one would see that the definition is substantially a paraphrase of these expressions.

Now, under the English law one can be guilty of being an accessory after the fact, and, thus, be charged with felony himself, if one assists the felon in these various ways. If one now goes through the three sections to which this section was made applicable, one would see that these three sections really dealt with actual offenders or criminals. If, however, one were to turn to the earlier three sections one would find that the people affording harbour to whom would be an offence, could not certainly be described as felons according to the English law or as criminals in any sense of the term. Let us look at section 180

"Whoever knowingly aids or assists any State prisoner or prisoner in escaping from lawful custody," etc "or harbours or conceals any such prisoner", etc

I do not think my Honourable friend would contend that an escaped State prisoner can be described as a felon in the sense in which that expression is used in English law, or as a criminal according to our own Code. The next is section 186

"Whoever, except as hereinafter knowing or having reason to believe that an officer, soldier, sailor or airman in the Navy, Army or Air Force has deserted, harbours such officer, soldier, sailor or airman" etc

It is not "harbours such offender". Here again if we look to the somewhat analogous provision in the Indian Army Act we find that there also the word 'harbour' is used. I am referring to section 304 of the Indian Army Act

"Any person subject to this Act who commits any of the following offences, that is to say, knowingly harbours any deserter" etc

As is well-known, the Indian Army Act applies to people who are subject to military discipline, and certainly if a person like that were to be guilty of harbouring a deserter, the seriousness of that offence would be greater than in the case of a man in the street who might be harbouring a deserter. My Honourable friend says there is no reason why we should have two different definitions for the same word in the same Code. But what about this particular clause in the Indian Army Act which employs the very same word and which word obviously is interpreted according to its dictionary meaning?

Now, Sir, as regards the question of interpretation, I think it will not be disputed by the Honourable Member that in interpreting the provisions of the Indian Army Act, the corresponding provisions of the British Army Act are likely to be referred to. If we refer to the corresponding provision of the British Army Act, the provision being contained in section 153 (3), we find the following as constituting an offence

"Knowing any officer or soldier to be a deserter conceals such officer or soldier or aids or assists him in concealing himself, or aids or assists in his rescue"

This is all that we find. Therefore, it will not do for my Honourable friend to say that the term "harbour" as used in the Indian Army Act, may be amended to bring it into line with the definition as contained in this Bill, because so far as the Indian Army Act is concerned, it cannot be amended, as far as I can see, so as to make it wholly inconsistent with the corresponding provision of the British Army Act which is in operation in India side by side with the Indian Army Act, because these two Army Acts govern the British and the Indian sections of the Army in India respectively, and the provisions of law cannot conceivably be very different in regard to these two cases

[Mr K C Neogy]

Now, Sir, the next section is 157. This deals not with criminals at all, but potential criminal.

"Whoever harbours or receives or assembles in any house or premises in his occupation or charge or under his control any person, knowing that such persons have been hired, engaged or occupied or are about to be hired, engaged or occupied to join or become members of unlawful assembly, and so on."

Now, I would draw the attention of this House to the words "in any house or premises in his occupation or charge". These words really furnish the key to the object which this section has in view. It won't do for my Honourable friend to say that here again the definition of "harbour" as he has in mind would be appropriate, because the real stress is on "in any house or premises in his occupation or charge", the idea being actual concealment or provision of asylum, not the question of a provision of drink, because it does not matter whether a drink is provided in the house or outside the house. The real stress is to be laid on "in any house or premises in his occupation or charge or under his control". This really is a sort of preventive section and we have a corresponding section in the British Prevention of Crimes Act, 1871. There again the expression "harbour" occurs. It is in section 10 of the British Prevention of Crimes Act of 1871 which also is a sort of preventive section more or less on these lines. It reads

"Every person who occupies who knowingly lodges or knowingly harbours thieves or reputed thieves, or knowingly permits or knowingly suffers them to meet or assemble therein."

So section 157 is analogous to this section where also the expression "harbour" occurs, and which expression I maintain has to be interpreted according to its dictionary meaning and not according to the interpretation which my Honourable friend seeks to give to this expression in the Bill.

Now, Sir, I would refer to another provision, and that is in the Official Secrets Act. I am referring to the Indian Official Secrets Act, 1923, in the first instance, section 10—"If any person knowingly harbours any person whom he knows or has reasonable ground (This is really harbouring a spy)—has committed an offence under section 3, that is espionage. The expression used in this law is also "harbour"—harbours a spy. And the corresponding section in the British Official Secrets Act is section 7.

"If any person knowingly harbours any person whom he knows or has reasonable ground to be

So it is not a mere question of making the definition uniform so far as the Indian Penal Code is concerned. How are you going to interpret all these various provisions in the connected legislative measures?

Now, Sir, my Honourable friend has stated that there have arisen certain definite cases which require the tightening up of the law.

**The Honourable Mr M S Aney (Leader of the House)** May I ask whether those Statutes to which reference is made do not contain the definition of the term "harbour"?

**Mr. K. C. Neogy:** No, Sir. The dictionary meaning applies to these cases, and I have also pointed out that so far as the Indian Army Act is



concerned, the corresponding provision of the British Army Act uses the word "conceals". So the intention is perfectly clear. It could not include the offering of a drink.

Now, Sir, my Honourable friend has referred to the emergency of the matter in view of the fact that there have arisen certain cases where prisoners of war have been assisted otherwise than by what would be strictly called "harbouring" in the dictionary sense of the term. Now, if Government think that due to the present extraordinary circumstances the law needs to be tightened up for the purpose of dealing with such extraordinary cases, there is an alternative method of doing it. They have already amended some of the enactments of the Statute Book by making certain special provisions in the Defence of India Act. For instance, if my Honourable friend refers to the Government of India Act.

**The Honourable Sir Sultan Ahmed:** Do you mean the Defence of India Act or the Government of India Act?

**Mr K. C. Neogy:** Defence of India Act—sections 5 and 6, for instance. Section 5 deals with enhanced penalties, that is to say, certain penalties provided under the normal legislation have been enhanced under the provisions of the Defence of India Act for purposes of war offences. Similarly, under section 6 of the Act, certain enactments of the Indian Legislature have been temporarily amended. Now, here is a method by which the object which the Government have in view could easily be met. What I object to is really the permanent disfigurement of the Indian Statute. I do not mind giving the Government certain extraordinary powers to meet certain extraordinary circumstances. What I do maintain is that the legislators of 1893 and 1894 had very good reasons to distinguish between the two sets of cases—the three earlier sections and the three later sections—so far as the definition of the word "harbour" is concerned, and I should not be a party to any tampering of that definition, at this stage, so as to extend it to the earlier three sections, having regard to the principle which I have enunciated, namely, that you may provide a definition of this kind in regard to harbouring of actual offenders, but it would not do for you to apply the same standard for the purpose of judging of a man who harbours people who are not offenders, who cannot be called offenders or criminals in the strict sense of the term. I would again repeat that if the Government still think, on the basis of certain facts that a particular provision of the Penal Code requires to be tightened up to meet certain extraordinary circumstances, there is an alternative method of doing it.

Then, Sir, my Honourable friend stated that this Bill had been sent round to the Provincial Governments and they have all approved, and not merely that, the different High Courts have also expressed their opinion in its favour. I should very much like to know whether in regard to both the points these opinions have been unanimously favourable, and if so, it is perhaps not too late to expect that the Honourable Member will at least take the Bill to Select Committee where these opinions can be scrutinised, but I should very much like that the public at large should have an opportunity of examining this question.

[Mr. K. C. Neogy]

and particularly the learned societies of lawyers should have an opportunity of examining the question from the point of view of principle which to my mind is involved in it

**Pandit Lakshmi Kanta Maitra** (Presidency Division Nón Muhammadan Rural) Mr President, I rise to support the motion for circulation. This Bill raises a very important question of legal principle. It seeks in the first place to extend the interpretation of the word 'harbour' to a set of sections of the Indian Penal Code to which it had not been applicable heretofore and also wants to lay down a definition or rather a fresh explanation of the expression 'harbour'. This raises important considerations which should not escape the attention of Honourable Members of this House.

In the first place I want to emphasise that the expression 'harbour' was never sought to be defined or explained before in the way in which it is being done now. As a matter of fact, up to the year 1894, there never occurred to the Legislature the necessity of having a specific definition of the expression 'harbour'. Even when it came to the Legislature for such a definition, it was given a specific explanation, and it came to be embodied as section 216B of the Penal Code. The present section 216B was added by Act III of 1894 and it reads as follows:

"In sections 212, 216 and 216A the word 'harbour' includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance or assisting of a person in any way to evade apprehension."

It is the last part which is of importance in connection with the consideration of the present Bill. This provision of section 216B is sought to be deleted in the proposed Bill by clause 3, and a new section is sought to be added to chapter II of the Indian Penal Code which deals with "general explanations". At the present moment that chapter of general explanations has only 52 sections and there is going to be a further addition, by the proposed Bill, in the shape of a new section 52A.

Two points have been mentioned by the Honourable the Mover of this Bill as calling for the consideration of this House. The first is that there has not been any uniformity in the interpretation of the word 'harbour' in the different sections of the Penal Code where the word occurs. Secondly, that in view of the exigencies of the situation it should be given a wider interpretation than has been given to it by the different High Courts in India. In the Statement of Objects and Reasons, the Honourable the Mover States that there is absolutely no rational justification for retaining this difference in the interpretation of the expression, but that there should be one explanation which would apply equally to all the sections where this expression occurs. With great respect to the Honourable the Mover of this Bill, I beg to point out that the fact that there is a fundamental difference in the scheme of the two sets of provisions is overlooked. One set of sections deals with one specified class of cases, and the other with cases of an entirely different category, and it is well worth the consideration of the House as it has an important bearing on the implications of the proposed Bill. Sections 130, 138 and 157 of the Indian Penal Code deal with classes of cases which call for one interpretation. Section 130 deals with aiding escape of or rescuing or harbouring a State prisoner—or a prisoner of war. Section 138 deals with cases of harbouring deserters. Here, it is well to bear in mind

that this section came in for amendment in 1927 where certain specific words were added by the Repealing and Amending Act, Act X of 1927. In this section it is provided that

"Whoever knowing or having reason to believe that an officer, soldier, sailor or airman in the Army, Navy or Air Force of the Queen has deserted, harbours such officer, soldier, sailor or airman shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both."

Now, Sir, section 157 deals not with criminals or offenders, but with prospective offences and offenders, and also with cases of harbouring persons hired for an unlawful assembly. Again, Sir, the three sections 212, 216 and 216A deal with cases of actually harbouring offenders. Section 212 deals with harbouring offenders, section 216 deals with harbouring offenders who have escaped from custody and whose apprehension has been ordered. Now, here, to this section, the Legislature of 1894 thought fit to add section 216A and it clearly defined what was sought to be meant by the word 'harbour', in this connexion, and it gave expression to it by the enactment of section 216B of the Indian Penal Code. But, there has been some difference in judicial opinion on the interpretation of the word 'harbour'. The very fact that the different High Courts in India have differed in the interpretation of the word 'harbour' should set us thinking that the matter is not so very simple or that it cannot be lightly dealt with.

**The Honourable Sir Sultan Ahmed** Not the word 'harbour', but the definition of 'harbour' in section 216.

**Pandit Lakshmi Kanta Maitra** What I am saying is that the interpretation which has been given of the expression 'harbour' by the different High Courts is not uniform, and your one object in bringing forward this Bill, as you say, is to bring about a uniformity in its explanation.

Now let me deal with one or two cases in which there has been a difference in the interpretation of the word 'harbour'. Take the case reported in I L R 25, Allahabad, the case of Emperor *vs* Husan Baksh in 1903. In that case certain persons were convicted because they told lies to the police. Their alleged object in telling lies was to induce the police to desist from their pursuit of the offenders. The accused simply told lies, and their Lordships held that in view of the explanation of the word 'harbour' given in the body of the Act itself, they could not convict the accused. In their Lordships' opinion, the words at the end, 'assisting a person in any way to evade apprehension', must be meant to point some method *ejusdem generis* with those that have been specified in the previous part of the section itself, and therefore the conviction should not be sustained. So this was one interpretation put on the word 'harbour'. Then let us take another case, the Lahore case, which is reported in I L R 7, the case of Tarasingh *vs* the Crown. The facts of the case were as follows. A person gave false information to the police with respect to a proclaimed offender and warned him of the approach of the police in order that the offender might escape. The question arose whether the fact of giving this kind of information which ultimately turned out to be false, brought the accused within the ambit of section 216B. There of course their Lordships held: "Yes, this was a leading piece of information given to the police, and as such the accused should be convicted." In the Calcutta Case reported in 21, Calcutta Weekly

[Pandit Lakshmi Kanta Maatra]

Notes,—in the case of *Muchima vs the Emperor*, their Lordships held that offering an offender any assistance would come within the ambit of the definition 'harbouring'. Their Lordships held, 'the ways in which assistance may be rendered need not for the purpose of section 216 be restricted to methods which may properly be regarded as *ejusdem generis* or of a like nature, like supplies of food or other necessary articles'. Thus, we find that in India the opinion of the High Courts is divided on the question of the interpretation of the word 'harbour'.

I now ask the Honourable the Mover what is the necessity for rushing this Bill through? If a clarification of the interpretation of the word 'harbour' is all that is desired, we can certainly get public opinion elicited on it so that we may benefit by it. The Honourable the Mover suggested there was apparently a drafting omission in the year 1894. I do not see how it strengthens his case. It means that during the last 48 years from 1894 to 1942 it never occurred to the Law Officers of the Crown to bring about an amendment by which this lacuna in legislation could be filled up. If during the last 48 years this gap could not be filled up, and if you could carry on in spite of this for nearly half a century, could not the Honourable Member wait for a couple of months more to have the opinion of the Bar Associations and other public organizations in this country. He could then see what the legal profession or the highest judicial authorities in the country or the public had to say about it, whether or not in their opinion, an extension of the interpretation of the word 'harbour' to sections to which it had hitherto been inapplicable was desirable in the very interests of the administration of justice.

It has been complained that only one narrow interpretation of the expression has been embodied in the judicial enactment which holds the field since 1894? In Wharton's Law Lexicon I find that the expression "harbour" has not been uniformly defined. For different statutes, for different provisions there have been different interpretations. For instance, in 1 Q B page 918, in *Sherras v de Rutzen*, there has been one interpretation put on it. It relates to harbouring by constables on duty. Again, for "deserters from merchant ships—see section 236 (British ship) and section 238 (foreign ship) of the Merchant Shipping Act, 1894 (3) felons with a view to their concealment from justice, and (4) thieves or reputed thieves under sections 10 and 11 of the Prevention of Crimes Act, 1871"—for all these provisions, the expression "harbour" has different definitions in English Law.

Besides, the reason for not providing in the Indian Penal Code an elaborate definition of the word "harbouring" in connection with cases of desertion and the like is very simple. There has been already in existence a body of penal provisions in the Army Act and other Acts. When, therefore, section 216B was enacted in 1894, the Legislature did not think it necessary to make any specific or separate provision in the Penal Code itself for harbouring with respect to cases of desertion, of prisoners of war, of State prisoners and so on and so forth, because they were governed by penal provisions contained in different legislative enactments. So the reason is not that the Legislature forgot to make special provision for those cases, and had only in view cases of thieves, dacoits and prospective offenders. From all these points of view I think that the Honourable the Law Member will be well advised to have public

opinion elicited on this matter. If he presses it now on the ground of the exigencies of the war situation, I think he will agree with us that there are numerous other provisions in the law to deal with such cases. In fact, the Defence of India Act is so comprehensive, so elastic that any conceivable case under the sun can be covered by it.

**The Honourable Sir Sultan Ahmed:** Is that so?

**Pandit Lakshmi Kanta Maitra:** That is so.

**The Honourable Sir Sultan Ahmed:** Will this case come under the Defence of India Act?

**Pandit Lakshmi Kanta Maitra:** Ordinarily speaking, it was not the intention of the Legislature to make the Defence of India Act applicable to cases of this description, but in its actual operation all over India it has become a cloak for covering everything. I can assure the Honourable the Law Member that it is being so used. Place any set of cases before me and I will twist the rules in such a way,—the executive officers will twist them in such a way that they would fit in with them.

**The Honourable Sir Sultan Ahmed:** You will have to twist it.

**Pandit Lakshmi Kanta Maitra:** Not I, but the executive officers know very well to twist it in such a way, they would not say that it is twisting the law but they would claim that what they do is the most natural interpretation that can be put on it.

**Maulana Zafar Ali Khan** (East Central Punjab Muhammadan) The latest victim of the Defence of India Act is the Punjab.

**Pandit Lakshmi Kanta Maitra:** We call it twisting. As lawyers we challenge that this is the natural interpretation that the Defence of India Act can bear, but that has been the unfortunate experience of all of us. With such a formidable weapon, with such an elastic weapon, you can never fail to achieve your object if you are minded to use it. Take, for instance, rule 129 of the Defence of India Rules. On suspicion you can arrest any man and you need not bring him before any court of justice, you can straightaway send him to a detention camp.

**Mr. M. Ghiasuddin** (Punjab Landholders) Do you approve of that rule?

**Pandit Lakshmi Kanta Maitra:** We do not approve of it, but when that has come to stay, when the Act is being so used, what is the use of piling measure on measure? Your armoury is already overstocked. You can meet the exigencies of the war situation by the provisions of the Defence of India Act, the Criminal Law Amendment Act and so on. We can make a dreadful catalogue of all such penal measures which are in the hands of the executive to deal with such a matter.

**The Honourable Mr. M. S. Aney:** It is better to have two strings to the bow than one.

**Pandit Lakshmi Kanta Maitra** : As regards penal measures, I for one would not add to those already in existence. I would therefore suggest that the Bill may be circulated for eliciting public opinion so that we may have the considered opinion of the legal profession, of the judiciary of the country and of the public. We may benefit by their views and act accordingly. There is no need for this haste.

**Mr Lalchand Navalrai** (Sind Non-Muhammadian Rural) : It seems to me that in this motion three questions are involved. One is whether this Bill should be considered and passed at once, or whether it should be circulated for the opinions of the public, of the members of the bar and of the judiciary. The second one is, if the definition of the word 'harbour' which is contained at present in section 216B should be extended to three other sections, namely, 130, 136 and 157. The third question is whether the last two lines of section 216B should be explained in the manner suggested in the Bill. As regards the first question I entirely agree with those who have advocated that this Bill should be circulated for opinion. It can be said that this Bill makes a provision in the Penal Code which has to remain on the Statute as a permanent one. When it is a legal question on which already there have been some differences of opinion by certain High Courts, as shown in the Statement of Objects and Reasons, it is very necessary that full consideration should be given to the amendments that are contained in this Bill. I think it is only fair that no legislation should be enacted in a hurry without giving those who are concerned with the interpretation of laws an opportunity to give their opinions. I submit that in all important Bills, the first stage should be the circulation and in practice also we have seen that whenever there are any Bills which are important and in which matters like the interpretation of laws are involved, they are taken into consideration only after opinions have been received and considered. In this case no one has been consulted except some provincial Governments and some judges. But where are those opinions? They have not been placed before the House. We must have those opinions before us to consider and the argument should not be brought forward that because this is war time therefore we should pass this Bill like an ordinance. This Bill should not be passed like ordinances which have been condemned by the country. We should not be a party to a thing which we have ourselves disapproved and which the country has condemned.

Then again it has been mentioned that in 1894 when it was found that the definition of 'harbour' should be enacted, it was enacted in section 216B. Yes, it was done so. They knew that this definition was required at that time. Why was it then that they did not extend it to the other sections? It may be said that they overlooked it. But where is the evidence that they overlooked it? When they were going to provide a definition in the Penal Code, we must presume that they considered the whole of the Penal Code for the purpose of introducing a definition of 'harbour'. Considered from that point of view this Bill requires to be circulated. It is said that they want this definition at once to apply it to State prisoners and prisoners of war who have been helped and harboured. In the first place we have not been given any such instances in which it has become necessary to such an extent that the Honourable Member could not even wait for a month or two in order to have this matter fully considered by the country. There are many other provisions and there is no reason why

the same kind of definition should be applied to them. I will presently show that this definition will be too much to apply to, a man who is not an offender.

Now, considering the question we find that there are two sets of sections. Three sections are for those who have committed an actual offence. They are criminals, as has been explained by my Honourable friend, Mr Neogy. Their case must naturally differ from those who are not criminals but who are deserters or State prisoners. In their case, to put a definition so wide as that would not appeal to the country and even to the lawyers. Now, the difference has been maintained between these two sets of sections and for a very long time. It being so, it is not as if the Act when it is passed today or tomorrow will be applied to certain persons who are deserters or State prisoners and otherwise the whole thing will go off. It is not so. Now, another point in this connection is that we are not going to pass a temporary provision but a permanent provision. From that point of view also further consideration is necessary. We find that in section 216B they say 'harbour' includes the supplying of a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance or the assisting of a person to evade apprehension. Now in those other three sections, it would be seen that there is no question of apprehension. They are not going to evade or run away. Those sections do not show that they are persons who are going to run away. Now, a State prisoner or a prisoner of war happens to be hungry. He wants only food. We should not give him food or drink, so that he may die. This definition which is so extensive should apply to an offender as well as to non offender. There is no sense in that. Then we will consider another provision also. That has to be considered along with it. We find, as has been said that in the British Army Act there has been no definition and there, by giving a State prisoner, food or drink he is not helping that man to run away. Therefore, to apply such an extensive definition to that man is certainly not just and right.

Then, Sir, I find that in the definition in clause 216B we must refer to section 216 first. The Honourable Member will see that 'harbour' by a husband or by a wife is not punishable under the Indian Penal Code (section 216), as there is a provision and exception in it. Section 216 is also harbouring a person who is charged with an offence or being in lawful custody for the offence or for whose apprehension an order has been made by a Magistrate. In that case, if that person goes to his wife and she gives him food, drink or something of that kind, then it has been held that it will not be an offence. What is going to be said now when a deserter as a State prisoner goes to his wife and she gives him only food or drink and she may have even thought that people will come and take him away. What I am going to say is this that this is also a very serious point on which opinions should be elicited from the public and even from the Judges and the members of the Bar. The case for circulation, therefore, becomes even more strong by these arguments and I will submit to the Honourable the Law Member that he should not be in a hurry to pass this measure. He may get the Bill passed in no time especially these days when the House is not only empty but we are passing through critical times.

The point then is that the Honourable the Law Member should yield and allow this Bill to be circulated. If we are going to apply such an

[Mr Lalchand Navalrai ]  
extensive definition, we should try to find out whether an exception should be made or not or any other exceptions should be made to differentiate it from an offender and non-offender

Then, I come to my third point with regard to the last few words which are required by this Bill to be explained. Now, what do we find there? Section 216B says

"In sections 212, 216 and 216A the word 'harbour' includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance"

Now, I find that in the present Bill 'the means of conveyance' has not been put in. It has been taken away.

**Sardar Sant Singh** (West Punjab Sikh) It is there. They have added something and have not taken away anything.

**Mr. Lalchand Navalrai** I am sorry these words are there. Further on, section 216B says "or the assisting a person in any way to evade apprehension"

Now, I will agree that the words 'no doubt are susceptible to different interpretations. Now, let us see what is actually being done by this amendment? It has left the section as vague and as liable to different interpretations as the words 'in any way'. Now, the words used are 'any means' instead of 'anyway'. I do not know whether it makes any difference if we say 'whether of the same kind as those enumerated in this section or not, to evade apprehension'. Now, these are the words that are going to be put in the section in order to explain whether the meaning of the words 'evade in any way' is clear or not. But when they add the words 'whether enumerated in this section or not', the words 'or not' again leave it very vague and liable to all kinds of interpretations. My Honourable friend has not been able to tell us what are the other kinds of the means which he wants to restrict. At any rate, we should know if there are any other ways. If there are any other means, why not put them very clearly just as other things are being mentioned such as conveyance and other things. Therefore, I submit that this Bill ought not to be passed at once but it should be circulated and opinions elicited thereon. With these words, I support the motion.

**Qazi Muhammad Ahmad Kasmi** (Meerut Division, Muhammadan Rural) Sir, with due deference to the learning and legal acumen of the learned Member who has proposed this Bill, I am sorry I have got to differ from him from the very outset. In the Statement of Objects and Reasons he has said

"There is no rational justification for differentiating between the meaning of the word as used in different sections of the Code, and the fact that the word is used in sections other than sections 212, 216 and 216A appears to have been overlooked when section 216B was inserted by Act III of 1894."

The reasoning is that because other sections are not mentioned in this, therefore, it may be presumed that it was overlooked that the word 'harbour' has been used in other sections also. I argue just the other way round. In the Indian Penal Code there is a Chapter (Chapter II) which gives definitions of most of the words that are used in the Indian Penal Code, and if it was intended to be a general definition it was only proper to put the word 'harbour' in that Chapter as the Learned Member wants



to do now. What was the reason for the legislators at that time to think of adding to section 216B and not having this section 52-A? If they wanted to have a general meaning for the word 'harbour', they would have done it by bringing it to Chapter II and adding it up as is being done now. That was the only proper thing to do. But the very fact that instead of bringing it under Chapter II, they introduced a new section 216B goes to show that they wanted to put this meaning to the word 'harbour' only for the purpose of these sections. Therefore, to say that it was only a mistake made at that time is not correct. It was really the intention at that time and it was in pursuance of that that this was done. But it can be very well argued by Government that it might not be a mistake, that it is only an academic question as to whether it was done through mistake or intentionally, but what is necessary is that it should be applied to all the sections now. Let us, therefore, look at it from that point of view also. As regards section 216-B I submit that it is so wide already that it was time we ought to consider whether this meaning of "harbour" should not be curtailed. The words are, "includes the supplying of a person with shelter, food or drink or money."

Here, Sir, I will give you an example. Some Italian prisoners of war were passing in a railway train by day and at Delhi Railway station another train with ordinary passengers came and stopped opposite to it. The Italian prisoners stretched their hands through the small openings left in the windows and begged for cigarettes and some of the passengers in the train opposite offered them cigarettes and fruits and oranges. It may be said that it is misplaced mercy but people sometimes do yield to the temptation of being merciful. All the persons who offered them these things would be guilty under the section, because offering food and drink, according to the extended definition now, would be an offence, being offered to a prisoner of war. It is not that the shelter or food or drink must be offered for evading arrest or apprehension, the mere fact of giving them to a prisoner of war is an offence in itself which is punishable with a certain term of imprisonment.

Now what are the courts which are going to try these cases? When we frame any law we must also consider the mentality of the gentlemen who will try these cases. It is not the High Court which will try them and no person of the legal acumen of the Law Member will go to argue them. I will give the House an incident from my own experience. When I started practice I asked a senior and renowned lawyer as to whether I should do civil or criminal practice. About criminal practice he told me that an old friend of his, a Deputy Magistrate, once called him and said, "Maulvi Sahab, every day from morning to evening these pleaders are harassing me and asking me to let off this man and that man, but I have read the whole of the Indian Penal Code and I do not find any where that a man has to be let off. There are only provisions about punishment in the shape of fines or imprisonment but nothing about letting off. So how can I acquit these people?" That is the mentality.

**The Honourable Sir Sultan Ahmed:** Was he not given a copy of the Criminal Procedure Code?

**Qazi Muhammad Ahmad Karmi:** It only deals with the procedure. So, what I mean is that the present generation might be considered to be more

[Qazi Muhammad Ahmad Kazmi.]

learned, but still the standard of the Honourable Members of this House is not to be found in the mofussil and many other places. I will just cite an example about giving food and drink, which is within my personal knowledge and which happened in Aligarh. Some gentleman belonging to some political party was passing in a car through Aligarh district outside a village and one of his friends, coming to know that he was passing, offered him some food. Subsequently it transpired that this gentleman was suspected of being implicated in a political dacoity or murder, and the result of it was that his friend who had offered him food was arrested and prosecuted. He was sentenced to two years by the trying magistrate and the sentence was upheld by the lower appellate court. He was a man with enough money and he went up to the High Court, where the judges held that no offence had been committed. You are providing that the mere offering of food or shelter to a person who is suspected of having committed a dacoity is a sufficient offence under the present section and innocent persons are likely to be entrapped. There is no reason why you should make the law so extensive as to make it likely for innocent people to be entrapped. Now what is being attempted by this amendment is not only that Food or shelter is not the only thing which is contemplated by this Act, but the interpretation of the Allahabad High Court is to the effect that things of similar nature would also be covered by this section. But by the amendment which is proposed Government want to extend the meaning still further so as to cover the offence of telling lies. Now, it is, of course, very difficult for me to understand how telling lies is to be converted into an offence of harbouring. It is difficult for a common man to understand how

**The Honourable Sir Homi Mody** (Supply Member) Telling lies is harbouring untruth!

**Qazi Muhammad Ahmad Kazmi.** You are dealing with impersonal matters. Now, what right have you got to extend the meaning so far? They say it is only for the purpose of reconciling the views of several High Courts. I say it is not reconciling but overruling the view of one and upholding the view of the other. But, as a matter of fact, if you only go a little further, you will find that the court which is being overruled was correct. The facts of the cases were different. Here in this case it is a lie about a particular person who wanted to evade arrest and it was held that telling of lies was not covered by this section. But in other cases the matters were different. But any way without entering into the merits of any justification for the particular High Court which held that telling of lies is not covered by the word 'harbour', I maintain that a person who is really to be charged with this crime—an ordinary man, people of ordinary understanding—will he understand any difference? Anyway whether they understand it or not, let us see whether it is a proper thing. (Interruption) Let it be circulated and I will finish. So my submission is that we have no justification for keeping these words in the section itself, and there is no question of extending them to other sections. With these observations I support the motion.

**Kunwar Hajeer Ismael Ali Khan** (Nominated Non-Official) Sir, the question may now be put

**Mr President** (The Honourable Sir Abdur Rahim) The question is:

That the question be now put

**Qazi Muhammad Ahmad Kazmi** May I just submit that they are in a position to dictate in that way I finished up my speech because they were anxious that I should finish

**Mr President** (The Honourable Sir Abdur Rahim) Order order What does the Honourable Member want to say? Is it a point of order?

**Qazi Muhammad Ahmad Kazmi** Yes Sir On a point of order I am talking of the attitude of the opposite Party They wanted that I should finish

**Mr President** (The Honourable Sir Abdur Rahim) That is not a point of order The question is

That the question be now put

The Assembly divided

#### AYES 38

Abdul Hamid Khan Bahadur Sir  
Ahmad Nawaz Khan Major Nawab  
Sir  
Aiyar Mr T S Sankara  
Aney The Honourable Mr M S  
Bewoor Sir Gurunath  
Bhandarkar Mr K Y  
Caroe Mr O K  
Chapman Mortimer Mr T  
Clow The Honourable Sir Andrew  
Dalal Dr Sir Ratanji  
Dalpat Singh Sardar Bahadur  
Captain  
Deheja Mr V T  
Gopalaaswami Mr R A  
Griffiths Mr F J  
Gwillt Mr E L C  
Ikramullah Mr Muhammad  
Imam Mr Sayid Haider  
Ismail Ali Khan Kunwar Hajee  
James Sir F E  
Jawahar Singh Sardar Bahadur  
Sardar Sir

Jehangir Sir Cowasji  
Kamaluddin Ahmed Shams ul Ulema  
Khurshid Mr M  
Lawson Mr C P  
Maxwell, The Honourable Sir  
Reginald  
Miller Mr C C  
Mody The Honourable Sir Homi  
Mudaliar The Honourable Diwan  
Bahadur Sir A Ramaswami  
Pillay Mr T S S  
Prior Mr H C  
Raisman The Honourable Sir  
Jeremy  
Richardson Sir Henry  
Sarker The Honourable Mr N R.  
Spence Sir George  
Stokes Mr H G  
Sultan Ahmed The Honourable Sir  
Thakur Singh Captain  
Tyson Mr J D

#### NOES 19

Abdul Ghani Maulvi Muhammad  
Azhar Ali Mr Muhammad  
Banerjee Dr P N  
Chattopadhyaya Mr Amarendra  
Nath  
Dam Mr Ananga Mohan  
Dashmukh Mr Govind V  
Easak Sait Mr H A Sathar H  
Ghiamuddin Mr M  
Lalchand Navalsai Mr  
Laljee Mr Hussain Ali Abdullahs  
The motion was adopted.

Maitra Pandit Lakshmi Kanta  
Mehta Mr Jamnadas M  
Muhammad Ahmad Kazmi Qazi  
Murtuza Sahib Bahadur Maulvi  
Syed  
Naggy Mr K C  
Sant Singh, Sardar  
Siddique Ali Khan, Nawab  
Zafar Ali Khan Maulana  
Ziauddin Ahmad, Dr Sir

**The Honourable Sir Sultan Ahmed:** Sir, if I do not speak at great length, I hope the Honourable Members who had asked for circulation will not consider me disrespectful. I will, however, deal fully with the arguments advanced by my Honourable friend, Mr Neogy. His argument was fairly full and covered all the grounds put forward by those who followed him. Mr Neogy, in his characteristic way, has dealt with the Bill very fairly and, if I may say so respectfully, very logically, and I would like to offer him my congratulations. I will deal with the few points which he raised.

My submission was that in 1894 when Act III of that year was passed, there was clearly an omission, so far as section 216B was concerned, when it did not refer to the earlier set of sections—130, 136 and 157, in which the word 'harbour' was used. Mr Neogy's view was that when that Act, was passed there were members of the calibre of Sir Rash Behari Ghose in the council, and it was unlikely that a man of that legal eminence would have overlooked the other provisions of the Code. I would ask him to go through the whole debate as we have done, and he will find no reference at all to the earlier sections throughout the debate. And while I yield to none in my respect and admiration for that great jurist of India, I am sure, my friend, Mr Neogy, will agree with me, that criminal law was not his strong point. I know he never appeared in any criminal case in his life.

I am grateful to Mr Neogy for having given me one relief, and that is, when we wanted to add a few words to section 216B in the definition in order to reconcile the two conflicting judicial opinions of the courts in India. The Lahore High Court and the Calcutta High Court held the view that the words, "or the assisting a person in any way" were not of the same kind as those enumerated before, but that they would cover all cases. The Allahabad High Court took a different view, and we are trying to reconcile the conflicting opinions of these courts. I am glad to find that at least one Member of this House has given us the credit for it. Mr Maitra says that the very fact that there has been a difference of opinion with respect to the interpretation of this word 'harbour' in section 216B should suggest itself to us as the ground for circulation. I confess I have not been able to understand that argument at all. There was no conflict of opinion with respect to the definition of the word 'harbour'. The difference was as regards what would be covered by the phrase "assisting a prisoner by any means" whether that would cover the cases which the Calcutta, Lahore, or Allahabad High Courts had before them. That was the conflict, and we are trying to resolve that conflict.

My friend, Mr Kazmi, was very sorry that we were trying to reconcile the conflicting decisions because that would certainly put a stop to further quibbling in courts on that point and there will be no further discussion with respect to what the meaning of the words "assisting a prisoner by any means" would be.

**Qari Muhammad Ahmad Karmi:** I said you were over-ruling them.

**The Honourable Sir Sultan Ahmed:** We do not over-rule anybody at all. So far as the extra words that we have added to this section, I am glad I have the support of my Honourable friend, Mr Neogy. His main objection, however, is that we should not apply section 216B along with the added phrase we have put into the definition of the word 'harbour'.

to the earlier sections. Now, section 180 refers to aiding the escape or rescuing or harbouring a prisoner of war or a state prisoner. Honourable Members will please observe that cases which were tried by the Calcutta High Court or the Lahore Court or the Allahabad Court or the case which I have given to you, where a prisoner escaped from one of the concentration camps and was afterwards given Rs. 200 as help with the knowledge that he was an escaped prisoner, would not be covered by any section at all. Now, should there be or should there not be any provision of law to catch hold of the person who is harbouring, concealing or helping such an escaped prisoner? If you come to the conclusion that there should be no provision, then your opposition is sound. On the other hand, if all of you feel as I do, that such assistance, should be made penal, then there is no reason why you should not support this motion. Now, my Honourable friend has suggested that there should be circulation. Circulation where? We have consulted all the Provincial Governments, and all the High Courts, and the opinions received so far have been unanimous in support of the Bill. My learned friend, Mr. Navalrai, wanted me to produce evidence of the receipt of these unanimous opinions.

**Maulana Zafar Ali Khan:** May I ask whether the Calcutta and Allahabad High Courts, which differed in their interpretation of these words, on account of which this amending Bill has been brought in, have been consulted?

**The Honourable Sir Sultan Ahmed:** All of them.

**Mr. Lalchand Navalrai:** I never doubted that the opinions had been received. What I wanted was that the opinions should be put before the House.

**Pandit Lakshmi Kanta Maitra:** Why are we not given those opinions here?

**The Honourable Sir Sultan Ahmed:** I do not think it is necessary to do that. With the responsibility that I have in this matter I tell you that the opinions are unanimous on this point. All the High Courts have been consulted, and if the lawyers had to be consulted, I am glad to say that the House has had the advantage of all the arguments that could be advanced by lawyers, because so far the opposition came from Mr. Neogy, who is undoubtedly one of our legal luminaries, Mr. Maitra, Mr. Navalrai and Mr. Kazim, not to speak of others, and, therefore, we have got all the opinions possible and no useful purpose will be served by simply circulating it for the opinions of members of the bar.

My learned friend, Mr. Neogy, referred to section 186 and tried to show that there was no necessity for applying the new definition to the word 'harbour' in that section by reference to the Indian Army Act. I confess I could not follow that because so far as the Army Act is concerned, that would not apply to cases which we have got in view. That Act will apply to any person "subject to that Act who commits certain offences." Therefore, the cases that we have got in view will not be covered by the Army Act at all.

**Mr. K. O. Neogy:** I am afraid I could not make myself properly understood by the Honourable Member. What I wanted to point out was that in the case of any person who is accused under section 186, the set of circumstances which would constitute an offence would be

[Mr K C Neogy]

different from the set of circumstances that would constitute an offence in an analogous case under the Indian Army Act, that was my point

**The Honourable Sir Sultan Ahmed:** Up to that it is all right. Therefore, we are making provision in respect of those cases to which the Army Act would not apply. I suggest that it is no argument to refer to the Indian Army Act, or for the matter of that, to the Indian Official Secrets Act, to show what we are doing is not at all required.

As regards section 157, I admit that the Bill was not really necessary, but you will please observe that the word 'harbour' as used there is related to harbouring in any house, and no harm will be done by the new definition. I am giving

**Mr K. C. Neogy.** So the definition is not needed?

**The Honourable Sir Sultan Ahmed:** But there is no harm at all, because the harbouring will be confined in the house. I quite admit it is not really necessary for the purpose of my case to put in the definition of 'harbour' in 157 as I have done, but my definition will not in any way militate against the spirit or letter of that section, because the harbouring must be in the house. I, therefore, suggest that not only is my Bill absolutely necessary under the circumstances which exist at present, but as a matter of fact a very big lacuna which is wanting in the Penal Code will be cleared up if you pass my Bill into an Act.

The reference to the Defence of India Act, in my view, is very inappropriate coming as it does from my friends who in season and out of season, every morning and every afternoon, have condemned that Act, and if we tried to make a similar provision in the Defence of India Act, there will be a cry all over the country that—here was another arrow which had been brought out from the armoury of the Government, to oppress people. My friend, Pandit Maatra, says that the practical way in which we have used the Defence of India Act would justify our putting in another amendment in that Act. Why should we do it when we know that in the Penal Code there is enough provision to deal with a case of this kind, and a slight modification of the definition is all that is required, and therefore there is no reason why we should go to the Defence of India Act for the purpose.

**Mr Lalchand Navarai.** What about harbouring a husband by a wife? Is that going to be accepted by the Government?

**Mr President** (The Honourable Sir Abdur Rahim) The question is "That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st July, 1942."

The Assembly divided

AYES 18

Abdul Ghani, Maulvi Muhammad  
Azhar Ali, Mr Muhammad  
Banerjee, Dr P N  
Chattopadhyaya, Mr Amarendra  
Nath  
Dam, Mr Ananga Mohan  
Deshmukh, Mr Govind V  
Easak Sait, Mr H A Sathar, H  
Lalchand Navarai, Mr  
Laljee, Mr Hananbhai Abdullabhai

Maatra, Pandit Lakshmi Kanta  
Mehta, Mr Jarnadas M  
Muhammad Ahmad Kaami, Qazi  
Murtuza Sahib Bahadur, Maulvi  
Syed  
Neogy, Mr K. C.  
Sant Singh, Sardar  
Siddique Ali Khan, Nawab  
Zafar Ali Khan, Maulana  
Zaunddin Ahmad, Dr. Sir.

## NOES 38

Abdul Hamid, Khan Bahadur Sir  
Ahmad Nawaz Khan Major Nawab  
Sir

Aiyar Mr T S Sankara  
Aney The Honourable Mr M S  
Bewoor Sir Gurunath  
Bhandarkar Mr K Y  
Caroe Mr O K  
Chapman Mortimer Mr T  
Clow The Honourable Sir Andrew  
Dalal Dr Sir Ratanji  
Dalpat Singh Sardar Bahadur  
Captain

Deleja Mr V T  
Ghasuddin Mr M  
Gopalaswami Mr R A  
Griffiths Mr P J  
Gwillt Mr E I C  
Ikramullah Mr Muhammad  
Imam Mr Saiyid Haider  
Ismael Ali Khan Kunwar Hajee  
James Sir F E

Jawahar Singh Sardar Bahadur  
Sardar Sir  
Kamaluddin Ahmed Shams ul  
Ulema  
Khurshid Mr M  
Lawson Mr C P  
Maxwell The Honourable Sir  
Reginald  
Miller Mr C C  
Mody The Honourable Sir Homi  
Mudaliar The Honourable Diwan  
Bahadur Sir A Ramaswami  
Pillay Mr T S S  
Prior Mr H C  
Raisman The Honourable Sir  
Jeremy  
Richardson Sir Henry  
Sarker The Honourable Mr N R  
Spence Sir George  
Stokes Mr H G  
Sultan Ahmed The Honourable Sir  
Thakur Singh Captain  
Tyson Mr J D

The motion was negatived

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That the Bill further to amend the Indian Penal Code be taken into consideration

The Assembly divided

## AYES 39

Abdul Hamid Khan Bahadur Sir  
Ahmad Nawaz Khan Major Nawab  
Sir

Aiyar Mr T S Sankara  
Aney The Honourable Mr M S  
Bewoor Sir Gurunath  
Bhandarkar Mr K Y  
Caroe Mr O K  
Chapman Mortimer Mr T  
Clow The Honourable Sir Andrew  
Dalal Dr Sir Ratanji  
Dalpat Singh Sardar Bahadur  
Captain

Deleja Mr V T  
Ghasuddin Mr M  
Gopalaswami Mr R A  
Griffiths Mr P J  
Gwillt Mr E I C  
Ikramullah Mr Muhammad  
Imam Mr Saiyid Haider  
Ismael Ali Khan Kunwar Hajee  
James Sir F E

Jawahar Singh Sardar Bahadur  
Sardar Sir  
Jehangir Sir Cowasji  
Kamaluddin Ahmed Shams ul Ulema  
Khurshid Mr M  
Lawson Mr C P  
Maxwell The Honourable Sir  
Reginald  
Miller Mr C C  
Mody The Honourable Sir Homi  
Mudaliar The Honourable Diwan  
Bahadur Sir A Ramaswami  
Pillay Mr T S S  
Prior Mr H C  
Raisman The Honourable Sir  
Jeremy  
Richardson Sir Henry  
Sarker The Honourable Mr N R  
Spence Sir George  
Stokes Mr H G  
Sultan Ahmed The Honourable Sir  
Thakur Singh Captain  
Tyson Mr J D

## NOES 16

Abdul Ghani, Maulvi Muhammad  
 Azhar Ali, Mr Muhammad  
 Banerjee, Dr P N  
 Chattopadhyaya, Mr Amarendra  
     Nath  
 Dam, Mr Ananga Mohan  
 Deshmukh, Mr Govind V  
 Essak Sait, Mr H A Sathar H  
 Lalchand Navalrai, Mr

Maitra, Pandit Lakshmi Kanta  
 Mehta, Mr Jamnadas M  
 Muhammad Ahmad Kasim, Qazi  
 Murtuza Sahib Bahadur, Maulvi  
     Syed  
 Neogy, Mr K C  
 Sant Singh, Sardar  
 Zafar Ali Khan, Maulana  
 Ziauddin Ahmad, Dr Su

The motion was adopted

**Mr President** (The Honourable Sir Abdur Rahim) The House will now consider the Bill clause by clause Clause 2 An amendment has just been handed in by Mr Lalchand Navalrai Why did not the Honourable Member comply with the standing order?

**Mr Lalchand Navalrai** It was only two days ago that the Bill was introduced and it has come up to day for consideration Again these points arose in the discussion now

**Mr President** (The Honourable Sir Abdur Rahim) The Bill was introduced five days ago The Chair cannot accept the amendment The question is

"That clause 2 stand part of the Bill"

**Sardar Sant Singh** I want to say a few words on this clause I am sorry that the Government are not taking that broad view for circulation of the Bill as we had expected the present Government would take However, as we are faced with this Bill now, I shall say a few words on the scope of clause 2 of the Bill It has not been realised that the present clause not only strengthens the present penal provision but goes much further The original section, 216B, which contained the definition of 'harbour' covered only three sections, 212, 216 and 216A of Indian Penal Code This Bill proposes to transfer the definition of 'harbour' by repealing section 216B and adding section 52A in the chapter dealing with definitions The general definitions to the Penal Code are in Chapter II of the Indian Penal Code and the last section of that Chapter is 52 It is proposed to add this 52A That is the last definition in the Penal Code in the Chapter on General Explanations By transposing this clause as section 52A of the Indian Penal Code, the effect would be that this definition will govern all the subsequent sections of the Indian Penal Code which 216B did not do So actually it is enlarging the scope of the definition of 'harbour' to a very great extent When I say that this amendment of the Penal Code means an additional repressive measure in the hands of the executive Government, I mean that where section 216B simply provided a punishment or restricted the meaning of the word 'harbour' to three sections of the Penal Code the present definition will cover all the sections of the Penal Code wherever harbouring is mentioned The need for this Bill has been disclosed by the Honourable the Law Member by saying that in 1894 according to him there was a drafting omission



Now, I have got the discussion which took place in 1894 about this Bill. The discuss on appears on page 301 of the Proceedings of the Council of the Governor General of India and in those proceedings I find in the speech of Sir Philip Hutchins these words when he moved for leave to introduce that Bill

'Harbouring or concealing an offender is indeed punishable under sections 212 and 216 of the Code, but an offender can only mean a person who has committed an offence, and the word 'offence' is defined in the Code in so technical a manner that it does not cover any kind of crime committed in a Native State''

Then the discussion proceeds about the meaning of the word 'offence'. My point in this debate is that when the Honourable the Law Member says that there was a drafting omission at the time when 216B was drafted it does not appear to be a correct interpretation of the proceedings of that Council

Now, at the end of the same speech, it was said

"The other main object of the Bill which I shall now lay on the table is to explain what is meant by harbouring, and to provide for the punishment of persons affording the same sort of protection or assistance to what I may call prospective dacoits—to gangs, that is to say, which have assembled together to commit dacoity but have not yet carried out their purpose. It is proposed to declare that the supplying of offenders with food, clothes, arms or ammunition, or giving them any sort of assistance to enable them to avoid apprehension, amounts to harbouring."

Now, in plain language it was considered by the then Council and by Honourable gentleman who was in charge of this Bill that the definition of 216B, as it was proposed to be enacted at that time, was to apply only to harbouring of offenders and to nobody else. Similarly, later on when the Bill came to be passed on the 22nd February, 1894, the speech that the Honourable Dr Lethbridge made makes the scope of the definition very clear that it was intended to apply merely to offenders. The Bill was then circulated for opinion and it is clear from the proceedings of that date Dr Lethbridge then said "I am glad to find from the replies and opinions which have been received that it has met with a favourable reception". Then the Bill was referred to a Select Committee. From these proceedings it is clear that there was no drafting omission. There could not be a drafting omission at that time. The thing was quite clear to the gentleman who was in charge of the Bill and he made it clear to the Council before which the Bill was placed. Further on at the end of the same speech we find

"The Select Committee accepted this view of the subject and decided to omit all reference to section 216 of the Code of Criminal Procedure in the Bill now before the Council. In respect to the further suggestion made by many of the officers consulted, that a clause similar to that passed in Act X of 1886 amending section 216 should be added to section 212, the Select Committee was asked to consider whether there was not a substantial difference between section 212, which refers to harbourers of offenders not yet arrested or ordered to be arrested, and section 216 which refers to harbourers of escaped prisoners or offenders specifically ordered to be arrested, and, if there was a substantial difference, whether it would not be well to limit the term 'offence' in the amending clause of section 212 to the more heinous offences. The Committee considered that there was a difference, and we have endeavoured to give effect to this suggestion and to the desire for uniformity by enumerating in the amending section 7 of this Bill, which is to be added to section 212 only those offences which have been entered in all the other sections."

From this quotation, it will be clear that the gentleman who was in charge of this Bill was not unaware of the difference which is now being enlarged upon by this Bill

[Sardar Sant Singh ]

Again it is said that on account of certain circumstances that have arisen due to war conditions in the country it has become necessary to enlarge the scope of this clause. Probably this is an argument which has some force. If it was intended merely to reconcile the views of the Allahabad High Court and the Lahore High Court, I may submit that about 14 or 15 years would not have been allowed to elapse for the reconciling of these views. Seven Lahore, where this different view was taken from Allahabad, was a ruling which was given about 1925 or 1926. Seventeen years have elapsed and so you cannot say that this Bill is intended merely for the purpose of reconciling the views of the Allahabad High Court and those of the Lahore High Court.

**Mr President** (The Honourable Sir Abdur Rahim) I think the Honourable Member may stop now.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 17th February, 1942.

## LEGISLATIVE ASSEMBLY

*Tuesday, 17th February, 1942.*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair

### STARRED QUESTIONS AND ANSWERS

#### (a) ORAL ANSWERS

##### REPORT OF THE FACT FINDING COMMITTEE ON HANDLOOM INDUSTRY

**43 \*Mr Govind V Deshmukh** Will the Honourable Member for Commerce please state

- (a) if the fact finding Committee appointed to inquire into the handloom weaving industry submitted its report, if so, what the action taken by the Government on it is and
- (b) if no such report has been submitted what steps Government propose to adopt to help the weavers pending the publication of the present report?

**The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar** (a) The Fact finding Committee has not yet submitted its report

(b) Government are examining in consultation with the Provincial Governments schemes to keep the handloom weaver in adequate employment

##### SHORTAGE OF YARN FOR HANDLOOM INDUSTRY

**44 \*Mr Amarendra Nath Chattopadhyaya** (a) Will the Honourable the Commerce Member be pleased to state the total poundage of yarn of different counts imported into India in 1938-39 for the use of handlooms Province by Province, and its value and also the total poundage of the yarn imported in 1939-40, 1940-41, i.e., during the war period, Province by Province, and its value?

(b) Will the Honourable Member be pleased to state

- (i) the total number of handlooms, Province by Province, worked throughout the year,
  - (ii) the total poundage of yarn used by these looms, year by year,
  - (iii) the total number of persons employed on these looms, Province by Province and year by year, and
  - (iv) the average income of the weavers per family engaged in weaving, Province by Province?
- (c) Will the Honourable Member be pleased to state the shortage created by hindrance to and stoppage of imports of yarn?

(d) Will the Honourable Member be pleased to state the total poundage of yarn produced by the spinning mills in India, Province by Province, which are supplied to handloom weavers?

(e) Will the Honourable Member be pleased to state if in the present war crisis it is possible for Indian spinning and textile mills to supply the full quota of yarn required for the handloom weavers in India, Province by Province?

(f) If the answer to the aforesaid part be in the negative, will the Honourable Member be pleased to state what step Government propose to take to air urge for making up the shortage? If no such arrangement is possible, what steps do Government propose to take to give employment to the weavers who will be left unemployed?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (a), (b) and (d) The information asked for cannot be supplied as no separate detailed statistics are available for handlooms.

(c) The average annual imports of cotton twist and yarn from China and Japan for the three years ending 1939-40 were

China—7,241,284 Lbs

Japan—20,992,194 Lbs (approximately)

(e) and (f) Government are not yet in a position to make any definite statement as to the availability of adequate yarn for the handloom weavers. But they have under active consideration a scheme for regulating the supply of yarn which contemplates the institution of an all India control in collaboration with the Provincial Governments and representatives of mills and yarn merchants.

#### SHORTAGE OF YARN FOR HANDLOOM INDUSTRY

**45 \*Mr. Amarendra Nath Chattopadhyaya** (a) Will the Honourable the Commerce Member be pleased to state if Government are prepared to help without delay the textile mills, specially the spinning mills, with finance sufficient for starting spinning to increase the supply of yarn for handlooms? How many such mills are under construction, Province by Province?

(b) Will the Honourable Member be pleased to state if there is sufficient cotton available in India for spinning yarn and if the staple of cotton at present available in India is fit for being spun into yarn for weaving cloth?

(c) Will the Honourable Member be pleased to state if Government have in view the cultivation of long staple cotton in Bengal where previous ly long staple cotton used to be grown?

(d) Will the Honourable Member be pleased to state if Egyptian cotton may be imported even during the war period?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (a) No proposal for financial help to increase the production of yarn has been received from any of the spinning mills. I have no reason to think that there is any holding up of increased production of yarn on financial grounds. I have no information regarding mills under construction in each province.

(b) There is not sufficient cotton available in India for the spinning of certain kinds of yarn required by some of the weavers. The staple lengths of cotton available in India are fit for spinning yarn and therefore for weaving cloth of certain types. It is not, however, possible to spin from such cotton yarn of above 40's count and, therefore, to weave finer cloth.

(c) A five year scheme for the introduction of long staple cotton in Bengal has been in operation from 1st April, 1938.

(d) Yes. Cotton of the quality produced in Egypt is required in India beyond the present capacity of the country's own cultivation of long staple cotton.

#### YARN SUB-COMMITTEE

**46 \*Mr. Amarendra Nath Chattopadhyaya.** (a) Will the Honourable the Commerce Member please state if it is a fact that there has been set up a yarn sub-committee and that a yarn Commissioner is going to be appointed at the centre?

(b) If so, who are the members of the yarn sub-committee and what are their qualifications?

(c) Who will be appointed the yarn Commissioner? What are his required qualifications?

(d) If there be spinning machines available in India at present, will the Honourable Member be pleased to state if these machines may be available for work and produce yarn?

(e) Is it not a fact that, by controlling supply, Government allow stockists to enhance prices of the commodities under control to an extraordinary amount and thereby create difficulties in supply? Do Government propose to control prices simultaneously with the control of supply?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (a) The answer to both parts is in the affirmative. I presume the reference to the yarn sub-committee is to the Advisory Committee which will be associated with the proposed Central Yarn Commissioner. This Committee will be composed of the present members of the yarn sub-committee of the Advisory Panel of the Cotton Textiles Industry constituted by the Department of Supply.

(b) I place on the table a list of the members of the sub-committee. The members represent the cotton textiles industry.

(c) The question is still under consideration and an announcement will be made when the selection has been made.

(d) Government are not aware of the existence of any yarn spinning machinery in India which is not already at work.

(e) Government will watch the working of the scheme for regulating the supply of yarn and will take such appropriate action as may be called for at any time.

*List of the Members of the Sub-Committee of the Cotton Textiles Panel (yarn and sewing threads)*

- 1 Sir Ness Wadia, KBE, CIE, c/o Messrs. Nowrojee Wadia & Sons, Neville House, Ballard Estate, Bombay.
- 2 J. C. Lancashire, Esquire, c/o Messrs. Forbes, Forbes, Campbell & Co., Home Street, Fort, Bombay.

- 3 S H Bathwala, Esquire, c/o The Empress Mills, Nagpur
- 4 J Tinker, Esquire c/o The Upper India Chamber of Commerce, Cawnpore
- 5 J M Doak, Esquire, c/o The Madura Milk, Co Ltd, Madura
- 6 R K Kandswamy Chettiar, Esquire, c/o The Southern India Millowners' Association, Coimbatore
- 7 G V Doraiswamy Naidu, Esquire, c/o The Southern India Millowners' Association, Coimbatore

**Dr Sir Ziauddin Ahmad** May I ask whether the Agricultural Department of the Government of Bengal or the Agricultural Department of the Government of India carried on any experiment whether long staple cotton can be grown in Bengal?

**The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar** The Indian Central Cotton Committee has carried on this experiment and has given advice to the Bengal Government and it is, as a result of that advice,

#### PROTECTION AND EVACUATION OF INDIANS IN THE FAR EASTERN WAR ZONE

**47 \*Mr Lalchand Navalrai** (a) Will the Honourable Member for Indians Overseas be pleased to lay on the table of the House a full statement showing the arrangements which have been made in all parts of the Far Eastern war zone for the protection and evacuation of Indians and how far the arrangements have been carried out?

(b) What is the condition of Sindhis, merchants and others, in the Far East since the beginning of the war? Are they free, or detained in concentration camps? If detained in detention camps, what has been, and can possibly be, done for them?

(c) Have Sindhis in Manila gone out of the war zone? If so, will he please state their whereabouts?

(d) Will the Honourable Member please state the names of those Sindhis who have died and who are surviving, particularly of K K Ramchandani, Pribhdas and Company, Hira Dhulamal and their families?

(e) What help do the British Government propose to give the Indians for their repatriation to India?

(f) Are the properties of Sindhis living in the Far Eastern war zone in the hands of the survivors, or have they been destroyed or confiscated by the enemy?

**The Honourable Mr M S Aney** (a) to (f) Government have spared no effort in assisting Indians to evacuate from the war zones in the Far East. Before the outbreak of war with Japan, the S S "Anhui" made two special trips to Shanghai and Japan to evacuate such British subjects, including Indians, as wished to leave from Manchukuo, Northern China and Japan. All shipping accommodation which could be spared has been made available for the evacuation of Indians from Burma and Malaya. Government have no reason to believe that Indians in the Far East in areas not under enemy occupation are not being afforded all protection possible by the respective local Governments. The Swiss Government have undertaken the responsibilities of a protecting power to look after

the interests of British subjects in the foreign countries under Japanese occupation. The Argentine Government has undertaken similar responsibilities in Japan proper.

Government have no reliable information yet regarding the welfare of Indians in the enemy occupied areas, but they are endeavouring to obtain it through the protecting powers and the International Red Cross.

If the Honourable Member will kindly furnish particulars regarding the individuals in whom he is interested, together with their last known addresses, Government will make attempts to obtain such information as is possible regarding them.

**Mr Lalchand Navalrai** With reference to part (d), I have actually mentioned the names. I should like to know what has happened to them?

**The Honourable Mr. M. S. Aney** Their last addresses also are required.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable the Leader of the House is not expected to remember the names and give information at once.

**Mr Lalchand Navalrai** I have given the names of two people in Manila. If these two names have been sent to proper authorities, you would have got information. They are prominent men in Manila and I want to know whether the Honourable Member can give some information about them. If the Honourable Member gives a much information as he has about these two people, it would be some consolation to their families.

**Mr. President** (The Honourable Sir Abdur Rahim) If they are only two names, the Honourable Member can give information if he has got.

**The Honourable Mr. M. S. Aney** No doubt the names are there, but I want their last addresses also so that we can address a communication to the proper authorities who can make enquiries about them. Without that last address, they cannot make any enquiry. That is the difficulty. Secondly, let me inform the Honourable Member in regard to those persons who are now in the territories occupied by the enemies, we have to communicate with the British Consular office who will in their turn communicate with the Swiss agency and through the Swiss agency, information is being gradually collected. It takes a good deal of time even by telegram and cable to get the necessary information. If the Honourable Member will give me their addresses, I shall try to include these names of persons among those about whom I am holding enquiry.

**Mr Lalchand Navalrai** I want information whether these two men are in Manila or outside.

**The Honourable Mr. M. S. Aney** I cannot say anything definitely about any man at all.

**Sir Muhammad Yamin Khan** May I ask, though it is not pertinent to the question before us, if the Honourable Member can throw some light

on this? What has happened to those Indians who are wounded and are convalescent in Singapore? The reports say that some of the wounded in Singapore have been evacuated. Have all the Indian wounded and convalescents been evacuated or only a fraction?

**The Honourable Mr M S Aney** I think that question should be properly addressed to the Defence Department, because information regarding wounded and casualties will be had by that Department. I shall communicate that question to the Defence Department and if I get any information I shall inform the Honourable Member by a private communication.

**Sir Muhammad Yamin Khan** Thank you very much

### VISIT TO INDIA OF THEIR EXCELLENCIES GENERALISSIMO CHIANG KAI SHEK AND MADAME CHIANG

**The Honourable Mr M S Aney** (Leader of the House) Sir, I move

"That upon the occasion of the visit to India of Their Excellencies Generalissimo Chiang Kai Shek and Madame Chiang this Assembly do place upon record its high appreciation of the honour done thereby to India and its heartfelt admiration of the outstanding services rendered by the Generalissimo to China and the world in combating a power against whose aggression China and India are now happily allied."

Sir, this Resolution, in my opinion, really needs no speech to commend it for unanimous acceptance by this House.

It tries to embody in two short sentences the feelings of appreciation and admiration which the visit of Generalissimo Chiang Kai Shek and Madame Chiang have evoked throughout the country. In this expression of appreciation the whole country has joined. The Indian National Congress, the Muslim League, the Hindu Mahasabha, the Liberal Federation, Indian States and numerous other public institutions and organizations have extended their hearty and warm welcome to the distinguished guests to this country. This Assembly which constitutionally represents the whole of British India and can, therefore, speak for them authoritatively will be doing a bare duty which it owes to the country it represents in adopting the Resolution moved by me.

What is the secret of this universal demonstration of the feelings of welcome and admiration for the Generalissimo and the Madame? Our guests represent China, a country and a culture which is no doubt as old as India and Indian culture, if not more. The visit no doubt recalls to our mind the old ties, spiritual, religious and cultural by which these two great nations have been bound nearly for more than two thousand years. India has the proud privilege of being the sacred land of the birth of Lord Goutam Buddha whose religion and preachings have been mainly followed in China and as such a country to which pious pilgrims from China have been coming to visit the various places and shrines rendered sacred and sanctified by the activities of Shri Goutam Buddha and his great disciples in later years. Ancient India, which delighted more in rendering silent service to humanity than in recording and chronicling it in pompous language in books of history and chronicles, is now found more accurately and faithfully described in the writings of some of these great talented pilgrims than in the old literature of the Hindus themselves.



But let me assure the Members of this House that the revival of memories of the olden connection, however pleasing to certain minds that take a more absorbing interest in the past than in the present, is not enough to explain the innumerable tributes that are being paid to the Generalissimo and the Madame by all kinds of people of all castes, creeds and colours.

There is certainly something outstanding in our guests which appeals to all alike, warms up their enthusiasm and evoke their appreciation and admiration. Those who are familiar with modern history of China and the story of the establishment of the Chinese Republic by the late Sun-Yet Sen and the vicissitudes through which it has gone and is still going are certainly aware of the part played by our distinguished guests in that struggle. They can easily see the principles which both of them typify in their lives and which they stand and struggle for.

The establishment of a Republic in China in place of the old Manchu regime is in itself an achievement of an epoch-making character. Our guests have not only made the greatest sacrifice in that noble effort which like a magic wand or *Kayakalpa* enable China to shake off her old age and act briskly and enthusiastically like a young nation, but the distinguished guests have taken on themselves the onerous duty of preserving this edifice of democracy intact against the aggressive designs of a powerful neighbour like Japan.

Japan was one of the first culprits during the last twelve years to invade the lands of an age-old peaceful neighbour to satisfy her ambition of building an Empire in the Far East. This act of unwarranted aggression which cost China the loss of Manchuria or Manchukuo naturally and inevitably excited the sympathies of India and all other civilised nations that stand for democracy and the racial, territorial and cultural integrity of nations. The heroic struggle which the Chinese people have been carrying on almost unaided during the last five years against Japan in defence of her Republic and Democracy under the unique leadership of the Generalissimo will undoubtedly go down to posterity as one of the noblest and the most inspiring chapters of human race. Our guests, the Generalissimo and the Madame, have been untiring in their efforts to fight with their powerful adversary. There in China, as in Russia, we see how a whole nation and not merely a mercenary army can fight in defence of its liberties, hearths and homes in spite of all odds and handicaps. The guests have placed before us and the whole world the example of what political leadership of a nation can really mean and achieve. They have during the last ten years turned supine China suffering from an over-dose of opium for more than ten centuries into a nation of soldiers which watches sleeplessly and vigilantly the movements of a dangerous enemy and fights with a determination and strength which have excited the admiration of the whole world and to a great extent frustrated his plans of Imperial conquests.

The German aggression in Europe and Japan's aggression on the lands in the Far East have served the allied powers to appreciate the significance of the Chinese struggle against Japan. It is really an act of great chivalry and magnanimity that China, under the leadership of our guests, has joined the Allies and pledged her word to fight the enemies to finish and conclude no separate peace.

[Mr M S Aney]

The war has taken no doubt a very serious and unfavourable turn in the Far East during the past month. The news of the fall of Singapore, received by us only two days before, is no doubt a news of the major defeat of the British arms. The loss of Singapore virtually rendered this country now exposed to enemy attacks from sea and land. At a time of gloom and despondency like this when everything looks disappointing and disheartening, the example of the heroic struggle carried on by the Chinese people and their determination to stand shoulder to shoulder with India to fight Japan and the hand held out for assistance by America are the most important factors that send rays of hope to dispel darkness and to cheer us up and kindle in us the hope and keep up the flame burning. Roosevelt, Stalin and Chiang Kai Shek are the three persons whose combination and co-operation with the United Kingdom and India will I feel sure, save not only India and the British Commonwealth but the whole world from the great catastrophe to which it is being led and driven by the Axis Powers. Democracy and civilisation look up to the Generalissimo as one of their saviours and protagonists. And the confidence which the presence of our distinguished guests have inspired in the whole of India for the ultimate success of these great principles for which the Allies stand is the real secret of the universal tributes paid to them throughout the length and breadth of this country.

Before concluding, I would like to refer to one particular trait in the character of the Generalissimo. It is, to describe in his own words, his regard for his words and his burning desire to keep the nation above everything else. In the book which I have in my hand, which is written by Madame Chiang Kai-Shek, she has given extracts from admonitions which the Generalissimo had given to two of his generals just prior to his departure from Siam. He says to remember this thing

"That if I have any selfish motives or do anything against the welfare of the country and the people then anybody may consider me a traitor and may shoot me on that account."

If my words and deeds are in the least insincere and I neglect my principles and revolutionary ideals, my soldiers may treat me as their enemy and may also shoot me."

From my diary and the other documents you can see whether you can find one word which is to the detriment of the revolution. If you can find one such word here I am still in Siam and you are at liberty to condemn and kill me. On my part I am glad that I have always done what I have taught other people to do, namely to be sincere and disinterested, and I can say in all confidence that I have done nothing of which I need be ashamed."

This is the man whom we are honouring today. This is the man who has kept his diaries open and whose life is an open book for anybody to read. That is the secret of his greatness.

In conclusion I will quote a line from a great Sanskrit poet

*"Theerthee tureetha theerthan aadhava dharavatsalah."*

"Great men full of compassion for the downtrodden sanctify the shrines themselves and places of worship by their holy and august visits to such places."

India, therefore, rightly feels herself honoured by the presence of the Generalissimo and Madame Chiang who have pre-eminently dedicated their lives to the service of China and the cause of justice, righteousness and Democracy which is the common cause of the whole civilised world.

I have therefore, no doubt that this House will carry the Resolution with unanimity and acclamation.

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

'That upon the occasion of the visit to India of Their Excellencies Generalissimo Chiang Kai Shek and Madame Chiang, this Assembly do place upon record its high appreciation of the honour done thereby to India and its heartfelt admiration of the outstanding services rendered by the Generalissimo to China and the world in combating a power against whose aggression China and India are now happily allied'

Mr Govind V Deshmukh has given notice of an amendment I do not know whether he wishes to move it

**Mr Govind V Deshmukh** (Nagpur Division Non-Muhammadan) No Sir I do not wish to move it, but I should like to speak on the motion

**Mr President** (The Honourable Sir Abdur Rahim) That is another matter

**Syed Ghulam Bhik Nairang** (East Punjab Muhammadan) Sir, on behalf of my Party I rise to support whole heartedly the Resolution which has been moved by the Honourable the Leader of the House In support of a Resolution of this kind I do not think it is necessary to make any thing like a speech especially when I find after listening to the speech of the Honourable the Leader of the House that he has put before us all the facts relating to the significance of the visit of the Generalissimo to India as well as all that he has done not only for the cause of China, which was, of course the primary object to which his activities were naturally directed, but really for the cause of justice and democracy and liberty and freedom throughout the world When such a distinguished personality as Generalissimo Chiang Kai-Shek visits our country, knowing as we do his pre eminent position in China and all that he has done in China and all that he stands for it is natural that we should feel honoured by the visit of such a distinguished visitor, especially at a time when we know that the cause which he has at heart and the cause for which India stands happen to be identical, and he takes the trouble of coming over to India to cement the relations of friendship and co operation which have now come to exist in a very definite form between China and India and the British Empire It is impossible to imitate the eloquence and fervour of the speech made by the Honourable the Leader of the House on this subject, and I have, therefore, indicated at the very start that I am not going to make anything like a speech I join whole heartedly on behalf of my Party in extending a welcome to the Generalissimo and support word for word the motion which has been moved I am more especially led to do this, knowing as I do that China is a country which like India represents not only one community or faith but a conglomeration of faiths and communities and I know that as many as about eight crores of my own Muslim brethren are there whose fate hangs in the balance and depends on the success of the cause which the Generalissimo represents I, therefore, whole heartedly support the Resolution

**Mr Akhil Chandra Datta** (Chittagong and Rajshahi Divisions Non Muhammadan Rural) Sir, on behalf of the Party to which I have the honour to belong I associate myself most whole heartedly with all the sentiments conveyed in the motion of the Honourable the Leader of the House We associate ourselves with every sentiment and in fact with every word that he has said on this motion I shall not mar the effect

[Mr Akhil Chandra Datta]

of that most admirable speech we have listened to from the Honourable the Leader of the House by any lengthy speech of my own. We are overwhelmed really by the feeling of honour done to India by the visit of the illustrious man, one of the greatest men of the present day, in the world. I, however, very much doubt if India today deserves this honour. There is an affinity of culture and civilisation between India and China. We all recognise it. But there is a wide gulf between the India of today and the China of today. China is free. India is enslaved. China is strong. India is weak, unarmed, disarmed. China is united, but here there has been going on a process of vivisection for about 150 years. In China just now, every man, every woman, every child is a soldier—the Honourable the Leader of the House has told us that the Chinese are a nation of soldiers. As compared to that, what is our position in India today? We want to fight shoulder to shoulder with the Chinese against aggression. We have the heart to do it, we are keen for doing it, but we have not the power to do it. Our hands and legs are tied. We are not in a position to support our Chinese brethren materially in their fight against aggression. India's economic potentialities are immense, but actually the economic power is almost nil.

**Mr President** (The Honourable Sir Abdur Rahim) I would ask the Honourable Member to consider whether this is an appropriate motion on which to ventilate domestic grievances.

**Mr Akhil Chandra Datta** Sir, I want to tell the House how deeply we feel honoured by the visit of Their Excellencies, particularly in view of the wide difference that now exists between China and India, and I also want the august and distinguished visitor to know that in his fight for freedom for the whole world he should carry India with him. That is the object with which I am mentioning all this. Sir, I yield to none in this House in my admiration for the great man to honour whom to appreciate whose services this motion has been moved, and I, therefore, associate myself most gladly and whole heartedly with this motion.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non Official) Mr President, on behalf of my Party, I desire whole heartedly to associate myself with the welcome motion that has been placed before the House by the Honourable the Leader of the House. Sir, I shall not attempt to dilute or attenuate my support by the indulgence of any political infusion. I shall confine myself strictly to the Resolution that is before us, and may I, in passing, congratulate the Honourable the Leader of the House on what I consider to be the unanimous opinion of India in its appreciation of welcome to this great Chinese Generalissimo. I believe, I stand unique in this House in that I was personally acquainted with La Hung Chang and Dr Sunyat Sen, two former Presidents of the great Chinese Republic. I was also in China during the Boxer Rebellion in 1900 and, I therefore feel I am in an unique position to compare the China of 1900, as I saw it then, with the China of 1942 as we see it today. The great advancement made by this country is not comparable with its condition of 1900. At that time China was a country honeycombed with coteries of secret societies called Boxers and there was no unity after the fall of the last Emperor. Today, except for the puppet Government set up by the Japanese, China is a powerful united country, and this is, in a large measure, due to the skilful leadership of the great Generalissimo.

Chang Kai-Shek who is with us today as a guest of India. And we in India welcome him as a great leader of a great nation which has developed under the Generalissimo's leadership.

Sir, I look upon His Excellency's visit as a symbol of a nation closely allied to India steeped in a tradition and a history which none will deny has been the mainspring or a nucleus of the great culture, knowledge and science from which it has spread to the rest of the world and to which the world owes a great debt. This is the nation from which the Generalissimo comes and has honoured India with a visit. Sir none in this House will deny or doubt in any way the great and noble efforts of the Chinese people for the past five and a half years against its aggressors, a highly militarised nation—Japan. This long resistance was for the greater part of this period performed by China standing alone, handicapped in arms and munitions and the necessities of modern warfare. And one is lost in admiration of the great resistance and bravery which this nation has displayed against a ruthless foe—Japan. Today with the aid of our Allies it has driven Japan out of most of its country. Indeed one would not be wrong in saying that the tide is turning in favour of China. This great change has been due almost entirely to the genius and leadership of this great Generalissimo whom we are welcoming today. But, the enemy is at the very doors of India. Singapore, Malaya and a part of Burma are in its hands and our united forces are today stoutly resisting any further advance into Burma and are protecting the Eastern borders of India. But we are fortunate that we have today the great and valuable assistance of a large Chinese Force which is sharing the dangers of war with English, Australian and Indian troops, and together they are safeguarding our frontiers and I do hope in fact I feel sure, that the day is not far distant when the forces of China and Great Britain and its Allies will together recapture the territory that has fallen into the hands of Japan, that we will together capture Malaya and Singapore and other parts of the Far East. Sir, I look upon Their Excellencies' visit to India more or less as a fore-runner of a stable union between two great nations—China and India, who together have a population of 800 millions, one third of the population of the world. I go further Sir, and hope that this visit will be the means of cementing a lasting co-operation and union between our two countries. I also hope that the broad outlook which the Generalissimo has displayed in the various contacts he has established with Indian leaders during his stay in India will lead to a better and closer understanding and co-operation between all parties in India so that unitedly we shall be able with the help of the Chinese forces to stop any further encroachment into India. That that time has come none will deny, and if His Excellency's visit will in any way expedite the unity which India today so urgently needs, our welcome is all the greater. India, along with China, stands as the symbol of democracy, and I only hope that it will not be long before unitedly these two nations with our Allies will secure victory over those gangster dictators—Hitler, Mussolini and the Japanese.

Sir, I feel my support to this motion would be incomplete if I did not refer to the great and wonderful part played by Her Excellency Madame Chiang Kai Shek and I am sure I am voicing the opinion of India when I say, that by her great gifts, oratorical and otherwise, her charming personality and character, she has entered deeply into the hearts of the womanhood of India who look upon her as what a wife should be to a

[Lt Col Sir Henry Gidney]

great leader like her husband the Generalissimo and to her we desire also to pay homage and a hearty welcome to our country, India. Sir, I support the motion.

**Sir Henry Richardson** (Nominated Non Official) Sir, I feel that in supporting the motion made by my Honourable friend, Mr Aney, this House does honour to itself as well as to Their Excellencies Generalissimo Chiang Kai Shek and Madame Chiang for it is surely an elemental virtue to recognise true greatness in men and women of another race. It is sometimes difficult to estimate the true quality of the leaders of countries other than our own, but in the present instance, I think all will agree no such difficulty exists for those whom we now honour are outstanding in the world for their strength of purpose, their wide vision and the services they have rendered to the cause of civilization.

In honouring them, we pay tribute also to the gallant people of China who for nearly five years have waged, with unsurpassed heroism, a struggle against those who, in the East, did far to outdo their Nazi partners in ruthlessness and barbarism.

Five years ago, those of us who weighed up the chances of China and Japan in the great struggle which was then commencing were sick at heart, for we felt that the Japanese, by reason of their greater industrial development and their more highly equipped armies, would speedily triumph over the people of China. But in that dismal forecast, we overlooked the power of the human spirit. Never has that power been more strikingly displayed than in China, and it is,—thanks to that spirit,—that Japan has failed to conquer and that the tide of battle now appears to be turning in favour of China.

It is, therefore, a matter of great pride that at this crisis in human affairs, India and China should stand forth as allies against a nation which is animated by a spirit hateful to both countries. In this great struggle the visit of the brave Marshal and his equally brave wife, to this country, has served to inspire us with fresh courage, and to make us resolve that however dark may be the days ahead, we will persevere whatever the cost until victory is accomplished.

(At this stage, Mr Govind V. Deshmukh rose in his seat to speak.)

**Mr President** (The Honourable Sir Abdur Rahim) I thought that Leaders of Parties had spoken on behalf of their Parties. The question is—

\* That upon the occasion of the visit to India of Their Excellencies Generalissimo Chiang Kai Shek and Madame Chiang, this Assembly do place upon record its high appreciation of the honour done thereby to India and its heartfelt admiration of the outstanding services rendered by the Generalissimo to China and the world in combating a power against whose aggression China and India are now happily allied."

The motion was adopted.

#### THE INDIAN PENAL CODE (AMENDMENT) BILL.

**Mr President** (The Honourable Sir Abdur Rahim) Further consideration of the Bill further to amend the Indian Penal Code. Sardar Sant Singh will continue his speech.

**Sardar Sant Singh** (West Punjab Sikh) Sir, I was speaking last evening on clause 2 of the Bill. At the time the House rose I was

submitting for the consideration of the House this point, namely, that one of the arguments advanced by the Honourable the Law Member for introducing this amendment in the Indian Penal Code was that the amendment aims at reconciling or determining the conflict of decision between the Allahabad High Court and the Lahore High Court. I submitted yesterday that the ruling given by the Lahore High Court is now 17 years old. During this period the Legislature did not consider it necessary that the two views should be reconciled. The difference in the views lies only on this point, whether the clause controls the words, supplying a person with shelter, food, drink, money, clothes and ammunition or means of conveyance" or of any other kind where it is *eiusdem generis* with it, or it includes other forms of assistance too. The Allahabad High Court held that the words meant means of the same kind as are mentioned above, while the Lahore High Court went further and enlarged its scope by saying any form of assistance would come under these words. This difference is now being done away with by adding the words "or the assisting a person by any means, whether of the same kind as those enumerated in this section or not, to evade apprehension". I submit that the argument that one of the objects of the Bill is to reconcile the two views is not a very important consideration in bringing forward this Bill.

Then, further on another point which I want to bring to the notice of the Honourable the Law Member is this. By adopting this clause as it stands we are creating an anomaly in our Statute book and that anomaly is this. Those who are governed by the Indian Army Act and those who will not be so governed will be placed on different footings before the law. Those who are governed by the Indian Army Act will not be committing any offence if they harbour a deserter, while an ordinary man, if he harbours a deserter, will be guilty under this interpretation of the law. I think I am making it clear. A soldier who is governed by the Indian Army Act, an officer who is governed by the Indian Army Act, if he harbours a deserter, would not be guilty unless the word "harbour" is taken to mean concealment or giving active assistance, but under the new definition of "harbour" if a layman, a non-army man entertains or offers a drink to a soldier deserter, then he will be guilty under the Indian Penal Code. That will be the anomaly.

**The Honourable Mr. M. S. Aney** (Leader of the House) Also under the Prohibition Act.

**Sardar Sant Singh** Oh, yes. Under the Prohibition Act—we have not got a Prohibition Act in the Punjab and we are not familiar with it.

**The Honourable Mr. M. S. Aney** It is very good. You are very fortunate!

**Sardar Sant Singh** My submission is that a law should not be enacted which creates two systems of offences, one different from the other, on the same premises. The third point which I want to emphasise is, though I sympathise with the Honourable the Law Member that the situation in the country has created certain separate questions on account of the presence of prisoners of war in this country, there is no doubt about it that if those prisoners escape and are harboured in the country, some provision should be made for punishing those who practically go against the interests of the country by harbouring them. He has my full

[Sardar Sant Singh]

synonymous for that, but my Honourable friend, Mr Neogy, was perfectly right when he referred the Honourable the Law Member to the use of the Defence of India Act. The Defence of India Act is a temporary measure. It is a measure which will remain in force during the period of war and a year after, while this permanent amendment of the Indian Penal Code will be for all times till it is repealed by the Legislature later on. That is the difference. The Defence of India Act, as it stands today, has practically resulted in the repeal of the ordinary laws of the country. It is being used for purposes which are entirely outside the scope of the Defence of India Act. But this would not be a matter in which the Defence of India Act cannot legitimately be applied. The Defence of India Act is intended for the purpose of dealing with offences which affect war effort, and those prisoners who are in the country for the time being, if they escape and are harboured by the people of this country or people of any nationality here in India—it will be legitimate to expect that the Defence of India Act should apply. I am one of those who have been fighting for the proper use of the Defence of India Act in this House. While the legitimate use of that Act is not being made, it is being extended to purposes which are quite alien to that legislation.

I need not tell you that in one district in the Punjab even revenue is being collected under the Defence of India Act! 498 cases are being punished under the Defence of India Act. I protested against the illegitimate use of it. While a legitimate use of the Government of India Act is not being made, the Penal Code is being amended in such a way that it should have fallen legitimately within the scope of the Defence of India Act. (Interruption) They are being prosecuted under the Defence of India Act in the Sardar District. What I am bringing to the notice of the Honourable Member is this. Where the Defence of India Act is a proper weapon to be used, this House will not object to the use of the Defence of India Act. If this amendment is intended for the purpose of protecting the war prisoners in this country who are not of course offenders in the real sense of the term as it is used in these sections of the Indian Penal Code, this House will welcome an amendment of the rules under the Defence of India Act. But this Bill gives too much power and makes an offence of what is otherwise a lawful act. Therefore I submit that this matter requires to be considered. With your permission I would make a suggestion to the Honourable the Law Member. If he permits this Bill to go to a Select Committee, proper amendments can be made in the section which will make it quite acceptable to this House. In his last speech, he has practically accepted that the Bill will not apply to section 157 of the Indian Penal Code. There is a lacuna left according to him and that lacuna ought to be closed. In its present form, I am afraid I will have to oppose this clause as it stands.

**The Honourable Sir Sultan Ahmed** (Law Member). May I be allowed to say one or two words, which might be helpful for further discussion and may perhaps put an end to it. There was an amendment tabled by my Honourable friend, Mr Lakhand Navahai, which he wanted to move last evening. It was this:

"That in clause 2 of the Bill to the proposed section 52A the following exception be added

'Exception—(1) This definition does not extend to the case in which the harbour is by the husband or wife of the person harboured

(2) That this definition will not extend to section 157 of the Indian Penal Code' "



If it be of any help to the House at this stage, I am prepared to accept the principles underlying both these exceptions but I am afraid, as drafted, it is wholly unacceptable and if the House and you, Sir, will give me the permission to have this re drafted and placed before the House tomorrow, I think the whole matter can be finished

**Mr President** (The Honourable Sir Abdur Rahim) Is that the desire of the House?

*(Several Honourable Members "Yes")*

Very well The debate on this Bill will stand over till tomorrow as suggested by the Honourable the Law Member

### THE INDIAN BOILERS (AMENDMENT) BILL

**Mr H O Prior** (Labour Secretary) Sir I move

'That the Bill further to amend the Indian Boilers Act, 1923, be taken into consideration'

I need not say much about this Bill In 1929 this House approved of an amendment of the definition of 'boiler' and as a result of that amendment the words 'for use outside such vessel' were taken out of the definition As an incidental result of that amendment, these sterilizers or disinfectors have been brought within the definition of 'boiler' They are not capable of being examined in the manner laid down under the Boilers Rules and they would require an entirely different technique and if they were made subject to examination there would be likely to be considerable delay in hospitals We have not found any necessity for having them examined and we now propose to rectify what we have found to be an unexpected mistake in bringing them under the definition of 'boiler' in 1929 Sir, I move

**Mr President** (The Honourable Sir Abdur Rahim) The question is

'That the Bill further to amend the Indian Boilers Act, 1923, be taken into consideration'

The motion was adopted

Clause 2 was added to the Bill

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill

**Mr H O Prior** Sir, I move

"That the Bill be passed"

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill be passed"

The motion was adopted

## THE MULTI UNIT CO OPERATIVE SOCIETIES BILL

**Mr J. D. Tyson** (Secretary, Department of Education, Health and Lands) Sir, I move

"That the Bill to provide for the incorporation, regulation and winding up of co operative societies with objects not confined to one province, be taken into consideration."

There are some 45 or 50 of these multi-unit societies in existence. They have mostly come into existence in connection with the activities of departments and services which go beyond the boundary of an individual province. Take, for example, the big railway systems of the country which pass through a number of provinces, or the Posts and Telegraph services. It is, I think Honourable Members would agree, a good thing and an inevitable thing that in connection with services of that extent there should be facilities for the members of those services to enjoy the advantages of the co operative movement, wherever their duties may take them. In the past no difficulty has arisen from the fact that the activities of these co operative societies transcended the boundaries of particular provinces. The Central Legislature passed an Act in 1912 regarding a previous Act of 1904 and it dealt with co operative societies for the whole of India, but the difficulty that has now arisen comes out of the Government of India Act of 1935.

Co operative societies, as Honourable Members will be aware, figure in the Provincial Legislative List (List II, Item 33). After the commencement of this Act it was discovered that those societies which transcend provincial boundaries are corporations with objects not confined to one unit of the Federation. Therefore, although co operative societies are a provincial subject, when a co operative society has activities beyond its own province, it becomes a corporation with objects not confined to one unit of the Federation, and the Legislation—and what is perhaps an even more important point—executive jurisdiction in respect of such co operative societies vests in the Central Government and not in the Provinces. It follows from that that any provisions of the Co-operative Societies Act of 1912, which is a Central legislation, or of the Provincial Co-operative Societies Acts which have been passed since 1919 and which purport to vest executive jurisdiction in respect of multi-unit societies in the provinces, must have no valid basis at all.

Now, Sir, the position thus disclosed was considered by the Conference of Registrars of Co-operative Societies in December, 1939. That Conference appointed a Sub-Committee consisting of the Honourable Mr V. Ramadas Pantulu, President of the All India Co-operative Institutes Association and, if I may say so, an authority on co operation, Diwan Bahadur C. M. Gundhi, the President of the Bombay Co-operative Insurance Societies, the Registrars of the Punjab, the United Provinces and Bengal and a representative of the Government of Bombay,—a very competent Sub-Committee—to examine the question and to make recommendations. The Sub-Committee unanimously recommended that legislation should be undertaken by the Central Government to validate the position of these societies already in existence and as a corollary, to make some provision for any such societies as might in the natural way come into existence in the future. The legislation proposed by that Committee is the legislation which is now before the House. Honourable Members will see that the

Bill seeks to do two things,—to validate the position of the existing societies and to provide for the regulation and control of such societies as may be formed in the future. The desirability of Central legislation and the lines of such legislation have been accepted in all essentials by all the Provinces. I hope, therefore, that Honourable Members will accept the necessity of this measure and give it their approval. Sir, I move.

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

"That the Bill to provide for the incorporation, regulation and winding up of co-operative societies with objects not confined to one province, be taken into consideration."

There are two amendments to this motion. There is one in the name of Maulvi Muhammad Abdul Ghani. Does the Honourable Member wish to move it?

**Maulvi Muhammad Abdul Ghani** (Tirhut Division, Muhammadan)

Yes, Sir. I move.

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1942."

**Mr President** (The Honourable Sir Abdur Rahim) Amendment moved

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1942."

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions, Muhammadan Rural) Sir, I move.

"That the Bill be referred to a Select Committee consisting of Maulana Zafar Ali Khan, Mr. V. T. Dehejia, Sardar Sant Singh, Mr. H. G. Stokes, Shams ul Ulema Kamaluddin Ahmed, Khan Bahadur Sir Abdul Hamid, the Honourable Mr. N. R. Sarker and the Mover with instructions to report on or before the 31st July, 1942, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Mr President** (The Honourable Sir Abdur Rahim) Further amendment moved

"That the Bill be referred to a Select Committee consisting of Maulana Zafar Ali Khan, Mr. V. T. Dehejia, Sardar Sant Singh, Mr. H. G. Stokes, Shams ul Ulema Kamaluddin Ahmed, Khan Bahadur Sir Abdul Hamid, the Honourable Mr. N. R. Sarker and the Mover with instructions to report on or before the 31st July, 1942, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Now, there will be a debate, both on the motion and the amendments.

**Maulvi Muhammad Abdul Ghani** Sir, I think there is no necessity for such a legislation at the present moment. It is quite premature as you will find from paragraph 2 of the Statement of Objects and Reasons that the number of multi-unit societies in existence at present is small. Further it says:

"It is proposed to entrust the functions of the Central Registrar to the Provincial Registrars until the growth in the numbers of multi-unit societies makes the appointment of a Central Registrar necessary."

That being the case, what is the hurry to pass this legislation? Let the number of such societies be created and then there will be necessity for such a piece of legislation. This legislation although it may be passed by this House, will not be in operation because all the functions either under this Act or under the previous Acts will be the same. The Registrars of the Co-operative Societies in the various provinces will continue to exercise the functions as before even under this Act. That being the position, I do not understand why there should be any necessity for such a piece of legislation at such a time as the present.

[Maulvi Muhammad Abdul Ghani]

It is clearly pointed out in the clauses of the Bill that the Societies will continue to function under the various Registers of Co-operative Societies in the various provinces. Besides, it is pointed out that there are only 40 or 45 multi-unit co-operative societies. The Honourable Member is not definite even up till now what is the actual number of such multi-unit societies. With such a vague and indefinite information, I say it is regrettable that this piece of legislation should come from an enlightened Government Bench like the present one. The Government should know what is the actual number of such societies. The Honourable Member said that the Associations under railway systems come under it. Well, then I think the number of such Associations almost take up the whole number 40 or 45. The railways are working under an Act of the Government of India, the Indian Railways Act. I think there is hardly any necessity for an Act like the multi-unit Co-operative Societies Act but what was required was amendment of the Railways Act. One thing is very characteristic of the Bills of the official Benches. Whether it is lengthy, say whether it contains innumerable sections or only a few sections, whether there is immediate necessity or not the motion for leave to introduce a Bill is made and then Bills are introduced. Just after 4.30 or five days or say within a week, the next motion comes that the Bill be considered and passed. Whenever anything like that comes from the non-official Benches even for a change of a word, although that change is to be accepted by the Government Benches yet our misfortune is that that Bill is circulated for eliciting public opinion and then referred to the Select Committee. Without reference to the Select Committee, I have never seen any Bill sponsored by non-official Members has been enacted into law. I fail to understand this kind of logic. I hope my Honourable friend who is a reasonable person will agree with me that he will lose nothing if this Bill goes to circulation for eliciting public opinion. He will say, well, experts have been consulted. But the reasons which he just gave do not justify the necessity for passing this Act just now. In the meantime if the Bill is circulated, he will not lose anything, rather he will have some opinions which may help him to come to the right conclusion whether such a piece of legislation is needed at all. With these words, I commend my motion which I have already moved and I hope the House will support it.

**Mr Muhammad Azhar Ali.** My Honourable friend, Maulvi Muhammad Abdul Ghani, has stated before the House and so Mr Tyson has done that the number of multi-unit societies ranges between 40 and 45 only and as there was mention of multi-unit co-operative societies in the Government of India Act, 1935, therefore, these societies have arisen. To my knowledge they have no special names given to them in the Provinces. It is said that these multi-unit co-operative societies have been created by the Government of India Act, 1935, but I say that they are absolutely foreign to the principles of co-operation enunciated and known so far in British India. There may be multi-unit societies in Great Britain, but they are not so generally known in British India. If the matter was put before some Committee of Registrars in 1939 and if they gave their assent to it I submit that alone cannot be a reason for enacting this legislation so hurriedly in this House. When the multi-unit Bill is enacted into law it will be working according to the principles of co-operation laid down in the Act of 1912. The registration,

the operation, the audit and inspection and everything will be done according to the Act of 1912, and also the Provincial Acts. So far as the principles of co-operation are known in India and to Indians, the principle is that co-operative societies should be confined to a compact area. Now to fling these societies long and wide and to get them formed from the Punjab to Assam and from Cape Comorin to Kashmir, I submit it is absolutely impracticable. There may be some societies of Indian telegraphists and some societies of railwaymen but so far as I know they are practically confined to one province. It was quite advisable for the Government of India to bring an Act for the working of these societies in a separate enactment, apart from the Act of 1912. But what I find here is that the registration will be carried out simultaneously in two Provinces. Regulations will have to be made either in one Province or they will be made in different Provinces. For the sake of a few societies which are said to be cropping up to order these days, it is no use complicating the whole position and machinery.

Sir, I find that multi-unit society is to a certain extent defined in the Statement of Objects and Reasons. The definition of multi-unit co-operative societies as given in the Statement of Objects and Reasons is this:

"Multi-unit co-operative societies, that is to say, co-operative societies operating over more than one province are 'corporations within the meaning of entry 33 in List I of the Seventh Schedule of the Government of India Act, 1935 and the legislative and executive jurisdiction in respect of their incorporation, regulation and winding up is exclusively Central."

Under these circumstances, I submit that the scope and working, will be so very complicated that it cannot be said to come under the Act of 1912. Sir, so far as I remember, the principles of co-operation which have been defined by the MacLagan Committee, which was considered to be an authority on Co-operation in India, never dealt with this question. Before I quote from this Report, I would say that there are three kinds of Co-operative Societies known in India, namely, (i) Primary Societies, (ii) Central Banks, and (iii) Provincial Banks.

Now, under what category are we going to put this multi-unit society. If it is called a Primary Society, then, I think, under the authority of this MacLagan Committee Report it cannot be working according to the principles of co-operation. Even if it is admitted that it is a Primary Society, how are we to ascertain the assets of the members of the society who will be far flung from each other, then how is the money to be realized from those people who borrow money under these Societies. Therefore, I say that it will be very difficult to enact and work in details these societies. As I said, in paragraph 25 of the MacLagan Committee Report, it is so stated:

"In considering such applications there are several points to which it is necessary that attention should be directed. The area of operations should for instance be clearly defined and should conform to the spirit underlying section 6(1) of the Act. By this we mean that the field of the society should be sufficiently restricted to allow members to be mutually acquainted and to be in a position to exercise an effective mutual control. It is a good general rule that there should be one society to one village and one village to one society."

This of course refers to village societies (Primary societies) but it also refers to other forms of credit societies as well and the general rule is "that the field of the society should be sufficiently restricted to allow members to be mutually acquainted." Now, Sir, I ask the House to think whether the members of one province or one railway and the

[Mr Muhammad Azhar Ali]

members of another province of the same railway will be acquainted with each other's assets and conditions. How can they take the liability of members who belong to other provinces? How can they ascertain what are the assets and liabilities of those members who belong to another province? It is all against the principles of co-operation so far as they are known in India. They may have been exotic, they may have been of foreign origin, but they are not known at least in British India. I have great respect and regard for Mr Pantlu and those Registrars who are working in the provinces, but my submission is that these general principles, which are the basic principles of co-operation, are absolutely neglected in the formation of this Bill.

Sir, I have dealt with the first category. Now, if they are to be under the second category, namely, Central Banks, I will refer to para 108 of the MacLagan Report. I will not read the whole paragraph dealing with the 'area suitable for a Central Bank', but I will confine myself to the relevant portion, which reads thus:

"Subject to the above considerations it is always well to adhere as far as possible to administrative divisions and to avoid the creation of banks intended permanently to deal with any area exceeding a district."

Again, my objection is that if you cannot confine it to a district, if you cannot confine it to a Division, are you going to extend it from province to province—from Bengal to Bombay and from Madras to Cape Comorin? This will be impracticable.

Then, Sir, we come to the third category of societies in India, namely, the Provincial Banks. Under paragraph 178 (page 101) of the same Report it is stated:

"The question of interprovincial lending is one that will certainly acquire more importance as the movement develops but such transactions are subject to difficulties similar to those which ordinarily prevent Joint Stock Banks from lending in areas where they have no branches and a Provincial Bank may legitimately be reluctant to sanction them, unless the borrowing bank has been long enough in existence to prove its worthiness of credit and the lending bank has full opportunities of itself examining and verifying the financial position of the borrower."

Sir, after referring to these restrictions and these very cautious enunciations of the principles of co-operation, I refer to what my Honourable friend, Mr Tyson, has said, *viz*, "Well, there are Railways running from the Punjab to Bengal and from Bengal to the Punjab, and, therefore, it is feasible to form such societies", I would submit that no one who knows the working of Co-operative Banks, of Primary Societies, of Central Banks, of Provincial Banks, or other forms of Credit Societies, would never recommend the formation of such societies on the principles of co-operative banking. Sir, it is very easy to enact, but it is very difficult to successfully work them later on. I have myself an experience of these co-operative banks and though I am reluctant to say anything about myself, yet I am constrained to say on the floor of this House today I was a Member of the MacLagan Committee on Co-operation which travelled all round India and Burma. Then, I was a member of the Oakden Committee on Co-operation which was formed by the United Provinces Provincial Government to find out the condition of Co-operative Societies in the Province. Then, I had the opportunity and honour of working in an Indian State for four and a half years as Registrar of

Co-operative Societies, and I myself have been an organizer in my own province of primary societies and the Central Bank and also had a share in the formation of a Provincial Bank. Therefore, Sir, I speak with some confidence when I say that these forms of societies may be workable in the opinion of some people but the result of working of these societies will be that there will be liquidation after liquidation, there will be forced liquidation even in the Railways and in the Post Office Societies if formed so widely.

Of course you can realise money from the provident funds, you can realise money in many ways, you can approach individual members who are mutually liable and who form these societies, but I tell you it is very difficult to ascertain the assets of the members and their liabilities or the way in which these members are spending the money which they borrow from these co-operative societies. Therefore, it is not only one objection that I have against the working and enactment of this measure, but I submit that it will play such havoc that in a short time the railway officials and railway servants will have to be very sorry for having joined these societies, and I ask this that so far, throughout the length and breadth of India, whether there are any railway or post office co-operative societies to which Mr Tyson has referred as multi-unit co-operative societies as he called them. Has he ever heard that in the provinces societies have been liquidated? Of course, members have been ruined and the societies have been liquidated. But in the case of such societies extending from one province to another, it will be absolutely impossible to work their joint liability, and how will the provincial banks find it easy to acquaint themselves with the working of these members and their assets and their qualifications? I know it very well that in these days when these Benches are vacant, you can pass any legislation you like, but it is also our duty to inform the government that such societies used to be called a double-edged sword. It will not only be of harm to the members of the societies but it may in the long run disorganise the whole movement, whether in railways or in post offices. When the societies go into liquidation, what happens? The collector of the district has to issue warrants and decrees against the individuals and their sureties and they have to pay for others from their pockets or go and borrow in the market from the *Mahajans* and pay each others dues. Do you want these Government servants to go and borrow money from the market outside? Still how can one finance them, because it will be very difficult to ascertain their assets and their liabilities even. Therefore, I submit that it will be a very dangerous form of working these multi-unit societies if they are allowed to be formed. With these remarks I move my amendment.

**Mr K. C. Neogy** (Dacca Division Non-Muhammadan Rural) Sir, in rising to speak on this amendment of my Honourable friend to my right, I propose to confine myself to the constitutional issue as I see it involved in the present proposal. It has been stated by the Honourable Member in charge that the occasion for this measure has arisen because of the difficulties created by the Government of India Act of 1935. He has told us that this measure is being promoted in the interests of about 45 to 50 societies which have been organised for the benefit of certain

[Mr K C Neogy]

Government servants, of departments and services like the railways which operate over more than one province. Naturally, the Honourable Member is anxious to safeguard the interests of the departments and services with which Government are concerned. There is, however, a constitutional difficulty that lies in the way of Government in regard to this matter. Reference has been made to the items in the Federal and Provincial Lists in regard to the incorporation of companies and also co-operative societies. The House well understands the scheme of distribution of legislative powers on which these different lists of legislative subjects were based. The scheme is embodied in section 100 of the Government of India Act, which I do not propose to read out. It is well known that the lists regarding the Federal as well as Provincial subjects are intended to be very rigid in their scope, so much so that if a legislation undertaken in the Federal field were found to entrench upon the province of a subject mentioned in the provincial list, a suit would lie for the purpose of determining the constitutional authority of the Legislature that passed that measure. We must not forget, therefore, that we have to consider different water-tight legislative jurisdictions.

I shall now come to the items in the two lists that bear on this particular measure. Item 33 in the Federal List reads as follows:

'Corporations, that is to say, the incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations but not including corporations owned or controlled by a Federated State and carrying on business only within the that state or co-operative societies and of corporations whether trading or not with objects not confined to one unit.'

Now, Sir, one finds that in the earlier clause of this particular item, co-operative societies are excluded specifically from the scope of legislation under this item of the Federal List. If we now turn to item 33 in the Provincial List, we find that this item deals with the incorporation, regulation and winding up of corporations other than corporations specified in List I—unincorporated trading, literary, scientific, religious and other societies and associations, co-operative societies. So far as co-operative societies are concerned, they stand as a class apart from all the other enumerated subjects in this list, and this is an item which is exclusively a provincial subject for legislation. I tried to trace the history of these two items as they are now found in the legislative lists appended to the Government of India Act. We find an illustrative list appended to the White Paper in the first instance, and this is what we find in item No 25 of the list, the exclusively Federal List, as contemplated in the White Paper. It reads as follows:

"The incorporation and regulation of banking, insurance, trade, finance and other companies and corporations."

Then coming to the Provincial List, item 23 deals with co-operative societies alone. It is an item that stands in solitary grandeur and not mixed up with other items as we find it subsequently to have been in the present Act. Then when this came up for consideration at the hands of the Joint Parliamentary Committee they altered the wording of some of these entries in the two lists, and this is what I find in the lists appended to the Report of the Joint Parliamentary Committee bearing on these subjects. The first one, the Federal one, proposed item No 21



of the Joint Parliamentary Committee's Report—'incorporation and regulation of corporations for purposes of subjects, corporations having objects not confined to one unit, banking, financial and trading corporations not being co-operative societies' Then when we come to the Provincial List, we find that the item, proposed No 34, is co-operative societies, without any qualification Co-operative societies constitute an item of provincial legislation

Now, in making their Report the Joint Parliamentary Committee stated, —and this will be found in para 231 of their Report,—that "since the publication of the White Paper these lists had been subjected to careful scrutiny by the Government of India and Provincial Governments whose criticisms have in their turn been examined by the framers of the original Lists, and the results of this scrutiny and examination have been placed at our disposal In the light of this further information, we are satisfied, (though the final form must be a matter for the draftsman) that the revised lists which we append to this chapter represent a workable and appropriate allocation of legislative powers" So that, for all practical purposes we might take it that the wording as adopted by the Joint Parliamentary Committee represents the considered judgment of that Committee, and all that was entrusted to the draftsman was merely to put the items in their proper legal form Certainly the draftsman could not have arrogated to himself any greater authority

Now, Sir, the Bill as it was drafted by the draftsman contains the present wording of item No 33 as it now stands with the exception of the words 'relating to corporations owned or controlled by a Federated State and carrying on business entirely in that State', these words having been added by way of amendment when the Bill was under discussion in the House of Commons at the instance of the Attorney General in pursuance of certain suggestions received from the Indian States Therefore, my contention is that in interpreting the present items in these two lists, we are to be guided by the language used by the Joint Parliamentary Committee, and although the manner in which this item has been worded is rather more cumbrous than the manner in which they were worded by the Joint Parliamentary Committee, there is no doubt in my mind whatsoever that co-operative societies were not intended to be included within the scope of federal legislation

Now, Sir, may I read once again item No 33 of the Federal Legislative List minus the wording relating to organizations in Indian States which had been subsequently introduced, and let us see how the whole thing reads " 'Corporations', that is to say, the incorporation, regulation and winding up of trading corporations including banking, insurance and financial corporations, but not including co-operative societies and of corporations, whether trading or not, with objects not confined to one unit." I daresay my friend's argument will be that although corporations are excluded specifically from the earlier portion of this clause, the moment a co-operative society has objects not confined to one unit, it ceases to be a co-operative society and is to be governed by the general reference to corporations, whether trading or not, with objects not confined to one unit Now, Sir, to my mind that would be an argument wholly untenable having regard to the fact that in the Provincial List there is no exception or limitation in regard to co-operative

[Mr K C Neogy]

societies. If it was intended that a portion of item 33 of the Federal Legislative List might in certain instances include co-operative societies, although in the earlier part of that very item co-operative societies are excluded, then in order to limit the scope of the Provincial Legislative List dealing with co-operative societies, it should have been mentioned, as it has been mentioned in other items, that the jurisdiction of the Provincial Legislature over co-operative societies as given to the Provincial Legislatures under that item is subject to the jurisdiction which the Federal Legislature might exercise in regard to co-operative societies whose objects might not be confined to one unit.

Now, Sir, apart from this question which, I maintain, has to be considered very seriously by us before we agree to the measure now before us, I make a further submission. I would now assume that it is open to us in the exercise of jurisdiction conferred upon us under item 33 of the Federal Legislative List to legislate for multi-unit co-operative societies which are at present governed by provincial legislations. Now, is it the proper procedure for discharging our obligation in that matter? As must be the case of the Government, the moment co-operative societies extend their business beyond the borders of a province, they cease to be co-operative societies for the purpose of the provincial legislative list. In that case they have to be governed by a comprehensive legislation to be undertaken by us regulating corporations generally whose objects are not confined to one unit. Now, Sir, what are we doing, or what are we being asked to do in this particular Bill? We are asked actually to give our blessings to all the different pieces of provincial legislation that may be in existence at the present moment on the subject. We are virtually shirking our responsibility. We are asked to recognise and validate all the provincial legislations on the subject that may be in existence at the present moment. What we are actually being asked to do is not to pass a legislation as we are expected to do by virtue of item 33, again assuming that it has any application to this particular case. What we are actually being asked to do is to project the legislative authority of one province into another, under cover of a central legislative enactment. I daresay the Government have recognised the position in which they may land themselves, because if we stick to this procedure there may be as many laws in operation in one particular province as there may be provinces in the whole of India, and a poor Provincial Registrar would be expected to administer not merely the law of his own province, but the law of the different provinces in regard to all the multi-unit co-operative societies.

**Sir Cowasji Jehangir** (Bombay City Non Muhammadan Urban) Is it a point of order you are raising?

**Mr K. C. Neogy** When I conclude I will say that this argument is addressed as much as to the Chair by way of point of order as to the Honourable Member in charge—I have not yet concluded.

As I said, there will be absolutely no uniformity in regard to legislation on this subject, and that will be a matter of serious consequence not only in regard to the practical day to day administration of the subject in the different provinces, but it may also prove a fruitful source of litigation. I daresay the Government are aware that due to rival

legislative jurisdictions in regard to incorporation of companies which the Dominion Legislature of Canada and the Provincial Legislatures of Canada enjoy, there has been a number of cases in which disputes had been raised as regards the propriety of the exercise of jurisdiction and in which restrictions had been sought to be put by different Legislatures in the working of companies which might be incorporated under the Dominion enactments.

I mention the Canadian example only because I happen to be well acquainted with it through my limited studies. I do not know whether any such position has arisen in any other country as well. As my Honourable friend, Sir Cowasji Jehangir, has anticipated me, I make these submissions not merely in the hope that Government will consider their position more seriously and take advantage of my Honourable friend's motion that the Bill be circulated for the purpose of getting all the different opinions on this subject, but they are addressed as much to you, Sir, by way of a point of order.

**Mr President** (The Honourable Sir Abdur Rahim) This question, whether the Chair will take cognisance of a question like this as a point of order, has been raised before. Although I have not yet given any considered ruling on the point, I have come to the conclusion after very careful consideration of the subject, that this really is not a matter which can be or should be dealt with by the Chair on a point of order. A point of order, generally speaking, relates to matters which concern the proper conduct of the proceedings of the House. The question whether the Assembly is competent to entertain a certain proposal for legislation is one of great importance, and, in my opinion, it is for the House to come to a conclusion on that point as well as other points submitted to the House on the question whether the Bill should be passed or not. I think Honourable Members will fully realise that a question relating to the legislative competence of the Assembly, which may often involve much difficulty and complexity, should not be summarily settled by the Chair on a point of order. In fact, the Federal Court has been established for the very purpose of dealing with these questions and the Chair has really not the facilities or the time and the material on which to come to a satisfactory conclusion on a question of this character so as to be able to decide finally whether the Assembly should or should not consider the particular legislative proposal. I, therefore, hold that this is not a question which should be settled by a ruling of the Chair on a point of order, but I shall consider whether I ought not to give more detailed reasons for the conclusion I have arrived at.

**Sir George Spence** (Secretary, Legislative Department) I have been asked to say a few words with reference to the question of construction raised by my Honourable friend, Mr Neogy. I regret that I was not present in the House throughout the whole of his remarks as I was called out for unavoidable reasons, but I was present when he dealt with the only point with which I am concerned. I submit with great respect to him, that his contention regarding Entry 33 in List I is unsustainable. The entry reads:

"Corporations, that is to say, the incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations but not including co-operative societies."

[Sir George Spence]

That "not including co-operative societies" takes co-operative societies out of trading corporations, and, therefore, a co-operative society, though it might otherwise have been held to be, and indeed, probably is, a trading corporation, is not within the first element in the entry

**Mr K O Neogy** I have said that I am sorry that my Honourable friend was not in the House then I knew that this would be his contention

**Sir George Spence** I was in the House when the Honourable Member anticipated my argument The entry continues "and of corporations, whether trading or not, with objects not confined to one unit" Quite clearly, the previous words "but not including co-operative societies" which hang on to the words, "of trading corporations" cannot possibly carry on and take co-operative societies out of the concluding words in the entry A further point which reinforces that view, if any reinforcement were necessary, is the treatment accorded to the closely analogous case of multi-unit universities My Honourable friend, Mr Neogy, I think, had not got before him a corrected copy of entry 33 in List I When the Act first became law no specific provision was made for multi-unit universities and it was then held—when I say held, I do not mean held judicially, but the opinion was formed by persons concerned to form an opinion,—that a multi-unit university must be related to entry 33 in List I as being a corporation with objects not confined to one unit From the point of view of policy it was felt to be wrong that the regulation of a university should become a central matter merely because the university functioned in respect of more than one unit and therefore an amendment was made and the words "but not including universities" were added at the end of entry 33 That is to say, the end of entry 33 now reads, "and of corporations whether trading or not, with objects not confined to one unit but not including universities" That, Sir, I think gives you a fairly good line for seeing that to take co-operative societies out of the scope of the concluding part, you would have to lump them there with universities and say there, 'but not including co-operative societies or universities' That is the short point, and I do not think I have anything more to say

**Mr K O Neogy** 'Co-operative societies' is not subject to any exception in the Provincial List How is that?

**Sir George Spence** Then you have got to fall back on what is known as the *non obstante* provision in section 100 of the Act, under the operation of which an entry in the Central List prevails against an overlapping entry in the Provincial List

**The Honourable Mr M S Aney** (Leader of the House) What about the point of order?

**Mr President** (The Honourable Sir Abdul Rahim) It is not a point of order It is for the House to decide this question along with other questions which are before it Does anybody else wish to speak?

**The Honourable Mr N R Sarker** (Member for Education, Health and Lands) Sir, I have heard the speech of my two Honourable friends, Mr Azhar Ali and Mr Abdul Ghani, with great attention Mr Azhar Ali,

though he has given a motion for sending the Bill to a Select Committee has not mentioned anything in the Bill which requires the attention of a Select Committee to give it proper shape. Both the speakers thought that the Bill was not necessary. In our opinion, Sir, the Bill is absolutely necessary. We have consulted the Provincial Governments. The question was put to a Conference of the Registrars of Co-operative Societies and leading non-official co-operative leaders in the country

1 P M and they are unanimously of the opinion that this validating Act should be passed. Otherwise, what will be the fate of the existing 50 or 60 societies which are working in happy ignorance under the doubtfully valid legal cover. As to my friend, Mr Azhar Ali's contention, that the principle of co-operation will be affected if the people of Bombay and the people of Bengal become members of the same co-operative societies, in certain cases comradeship is the basis of co-operation and there are certain organisations, for instance, Railways, Postal and Telegraph offices, which are spread throughout the country and if a co-operative society is established among the employees belonging to the same profession or organisation, there is no harm done to the principle of co-operation and it is not going to be hit thereby. This is not for the benefit of a provincial society. Multi-unit societies are big organisations. There are insurance companies, there are banking organisations, there are cane growers' organisations and a lot of others. In Bombay alone there are 15 such organisations, in Madras 5, Punjab 5 and Orissa 6. If this Bill is not passed, they will have to close down with ultimate loss of the members of the societies. That is why Government felt the necessity of bringing in this legislation. We have consulted the Provincial Governments and all of them are in favour of this legislation.

As to the point raised by my friend, Mr K C Neogy, the Provincial Governments were consulted as to whether multi-unit co-operative societies should be placed in the provincial list by an amendment of the Government of India Act and whether we should approach the Secretary of State to amend the Act so that multi-unit co-operative societies can be placed in the provincial list and they were of opinion that it was not necessary and the Bill as drafted was sent to all the Provincial Governments and whatever criticism and points they made have all been considered and found workable and have been incorporated in the present Bill. The Bill before you has the approval of all Provincial Governments.

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1942."

The motion was negatived.

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill be referred to a Select Committee consisting of Maulana Zafar Ali Khan, Mr V T Dehija, Sardar Sant Singh, Mr H G Stokes, Shamas ul Ulema, Kamaluddin Ahmad, Khan Bahadur Sir Abdul Hamid, the Honourable Mr N R R Sarkar and the Mover with instructions to report on or before the 31st July, 1942, and the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was negatived.

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill to provide for the incorporation, regulation and winding up of co operative societies with objects not confined to one province, be taken into consideration "

The motion was adopted

Clauses 2 to 6 were added to the Bill

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill

**The Honourable Mr N. E. Barker** Sir, I move :

" That the Bill be passed "

**Mr K. C. Neogy** I desire to say just a few words in reply to the points made by my Honourable friend, the Legislative Secretary, and the Honourable Member in charge, so far as they bear on my arguments. My Honourable friend, the Legislative Secretary, said that if we refer to section 100, we would find that the exercise of jurisdiction on the part of the Provincial Legislature in regard to the Provincial List is subject to an exercise of jurisdiction by the Federal Legislature in regard to subjects on Legislative List I. I take it that that is the substance of his argument. But, Sir, my Honourable friend would observe that the very wording of Item No. 83 of the Provincial Legislative List, "the incorporation, regulation and winding-up of trading corporations, other than corporations specified in List I", shows that the framers of the Law were perfectly aware of what they were doing, but then when they mention the co operative societies at the end of that item they do not say anything to show that the exercise of jurisdiction in regard to this would be also subject to the exercise of jurisdiction by the Federal Legislature, under item 83. They have adopted a definite line in regard to the saving of jurisdiction as shown in the different items of the Provincial List itself. How is it then that in regard to co operative societies we do not find any limiting expression of the same character as we find in the other items? Now, Sir, with regard to my Honourable friend the Education Member's observation, that he has consulted all the Provincial Governments and that they are unanimously in support of this Bill and that there is therefore, no point in sending the Bill out for circulation, I would say this. It is not merely for the Provincial Governments to approve of the constitutional aspects of a particular measure. Even ordinary people who might be affected by the working of a co operative society which will be operating under this particular enactment, could sue the authorities of that society and raise the constitutional question and challenge the jurisdiction of this House. In many of the cases which had raised constitutional issues, we find that they had been brought at the instance of private parties and not at the instance of Government.

Now, Sir my Honourable friend thought that in order to accommodate these multi-unit societies one must undertake an amendment of the Government of India Act itself because they cannot be accommodated, if it were to be held that they cannot be accommodated within the framework of this Act. May I draw his attention to the provisions of section 103, which to my mind provides an alternative procedure? It is not as if

the framers of this enactment were altogether blind to the possibilities of such objections being raised. This is what section 103 of the Government of India Act says

"If it appears to the Legislatures of two or more Provinces to be desirable that any of the matters enumerated in the Provincial Legislative List should be regulated in those Provinces by Act of the Federal Legislature, and if resolutions to that effect are passed by all the Chambers of those Provincial Legislatures, it shall be lawful for the Federal Legislature to pass an Act for regulating that matter accordingly, but any Act so passed may, as respects any Province to which it applies, be amended or repealed by an Act of the Legislature of that Province."

To my mind here was a perfectly legitimate procedure laid down in the Government of India Act itself, and my Honourable friend would see that it is not sufficient that merely Provincial Governments give their blessings to a measure like this. The Constitution Act makes it perfectly clear that this Legislature can exercise its legislative jurisdiction only if the Provincial Legislatures concerned, by passing resolutions, ask this Legislature to exercise jurisdiction in regard to a matter which is admittedly a provincial subject. That is all I have got to say, and I yet hope that it will be possible for the Government to examine this question before the matter goes up to the other House.

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill be passed."

The motion was adopted.

**Mr J D Tyson** On a point of personal explanation, Sir, I should like to say that I regret very much that I was not in my place when this motion was due to be taken up. I can assure Honourable Members that I intended no disrespect to the House. I was on my way to the House from another room and would have been in my seat in time but for the fact that the preceding legislation came to an end so unexpectedly and quickly.

## THE COFFEE MARKET EXPANSION BILL

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) Mr President, I move

"That the Bill to continue the provision made under Ordinance No. XIII of 1940, for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India and by other means, be taken into consideration."

Sir, this legislation has a history behind it. In the year 1940, soon after the outbreak of the war, representations were made to the Government of India that the coffee market was about to collapse. We produce about 17 to 18 thousand tons of coffee in this country, of which we used to export about 8 to 9 thousand tons. Consequent on the collapse of France and the virtual impossibility of making any exports to the Continent of Europe, which was our main exporting market, the possibility of the coffee being surplus in production in this country and of, therefore, the prices tumbling down naturally caused a great deal of anxiety to the planting community, particularly in Southern India. They made representations that Government should come to their help not, indeed,

[Diwan Bahadur Sir A. Ramaswami Mudaliar]

financially but by so assisting them through legislative and other measures that they can organise this industry themselves. A Conference was convened in September, 1940, in Madras where all the representatives of the planting industry were present, and certain proposals were evolved. The position of the Government was that if it found that the industry desired to organise itself and if there was a fair amount of unanimity amongst those who represented the industry of the arrangements that they may come to, Government would lend its good offices by such enacting legislative measures as may be necessary for giving effect to that agreement.

The main proposal that emerged from the discussions of that Conference was that coffee that could be consumed in the country should be released for internal consumption and that the rest of the coffee should be isolated and kept in a separate pool out of which such demands for export as may come may be fulfilled. If there was any sign that the internal consumption should go up or may go up, then the coffee may be released from the pool for internal consumption. As a matter of precaution against prices being forced up unnecessarily by any cornering of this coffee and isolating it into the export pool, Government made it a condition precedent that they must have the power to control the maximum prices at which coffee may be sold in the internal market.

**Mr. President** (The Honourable Sir Abdur Rahim) It is Quarter Past One now. The Honourable Member can resume his speech after Lunch.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly reassembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** Sir, before the House adjourned for Lunch, I was referring to the two main principles of this legislation, first that a certain amount of coffee, unsaleable internally, should be withdrawn so that the price of the remainder which will be sold in the country may be stabilised at a satisfactory level. That is the expedient which has been used in various countries with reference to raw commodities. The second and the consequential measure which Government think should be adopted *pari passu* with the withdrawal of the surplus quantity was that the price of the remainder in the internal market should be at a reasonable level. These are the two main proposals underlying this legislation. Various subsidiary proposals regarding the appointment of a Controller for coffee management of the sales, the body through which it should be organized were recommended by the Conference to which I referred. Sir, it was not possible at that stage to bring in legislation in this House as there was not sufficient time for the purpose and an Ordinance was issued, as the crop was beginning to come in, in December 1940, embodying these main principles. The Ordinance was valid till August, 1941, that is, for one crop year. Subsequently the industry gave the Government to understand that it would be necessary to prolong the period of the Ordinance a little



further and it was extended by a few months. In 1941, the second conference of the industry was held at which the whole position was reviewed in the light of the working of the Ordinance which had been passed in the previous year and certain further proposals were made by the industry. The acreage which would come under control was fixed at ten acres rather than 25 acres which was fixed on the last occasion and that has been accepted by the Government. Again, it was not possible to give effect to this legislation at the last Session and a second Ordinance was issued for the purpose. But I had given an undertaking to this House sometime last year in deference to the wishes of my Honourable friend, Dr F X DeSouza, whom I miss on this occasion that normal legislation would be brought up before this House. There is one point on which some of the planters were very keen that this should not be taken as a precedent by the Government to establish any control over the industry, that it should be looked upon purely as a war measure and that its effect should not outlast the necessities of the war period. With that proposition I was in entire accord. I had already made it clear to them that it was not Government's intention to establish control over this industry but that it was the anxiety of the planters to get some governmental help to regulate their own product and to arrange the prices at which it should be sold that was responsible for governmental intervention and therefore, you will find that in this proposed Bill the period for the measure is fixed at one year after the termination of hostilities. We have no intention whatsoever to enter into this trade and to arrange this trade—a well regulated industry like this which is in charge of planters who can look after themselves and who are fairly well organised. The Government have no intention whatsoever to intervene and regulate the trade for them.

Sir, the second conference which was held in October, 1941, had the unique advantage of having the experience of the working of the Ordinance for a whole crop season and very little criticism was thrown out at that conference as regards the detailed provisions of this Act. It is under these circumstances that this Bill is put before the House virtually embodying the provisions of the Ordinance that has been recently passed. I must confess that I personally would like to have as clear a conscience in introducing every Bill as I have on this occasion. Every aspect of it has been carefully studied and thrashed out, every interest concerned has been consulted, the opinions of these interests have been taken before embodying this Bill, in fact these interests themselves had the advantage of the working of the measure for a whole year before they were asked to give their opinion on it. It is under these circumstances that I request Honourable Members of the House to accept this piece of legislation and I can only repeat that I may be in a position on all occasions to commend a Bill with as great confidence as I am in a position to do on this occasion to the acceptance of the House.

**Mr. Deputy President** (Mr Akhil Chandra Datta) The question is

'That the Bill to continue the provision made under Ordinance No XIII of 1940 for assistance to the coffee industry by regulating the export of coffee, from and the sale of coffee in British India and by other means, be taken into consideration.'

The motion was adopted.

Clauses 2 to 50 were added to the Bill

[Mr Deputy President]

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** Sir,  
I move

"That the Bill be passed"

**Mr Deputy President** (Mr Akhil Chandra Datta) The question is

"That the Bill be passed"

The motion was adopted

#### REPORT OF THE PUBLIC ACCOUNTS COMMITTEE

**Mr. Deputy President** (Mr Akhil Chandra Datta) The House will resume further consideration of the following motion moved by the Honourable Sir Jeremy Raisman on Wednesday, the 11th February, 1942, namely

"That the report of the Public Accounts Committee on the accounts of 1939-40, be taken into consideration"

**The Honourable Sir Jeremy Raisman** (Finance Member) Sir, year after year, the fitting of this item of business into the agenda of the Assembly seems to present more and more difficulty, and the reason is that even at any time the interest of the House in the accounts of the year before last is not extremely lively and at a time like the present, it is natural that it should not excite a great deal of attention

**Dr P N Banerjee** (Calcutta Suburbs Non-Muhammadan Urban) Flogging a dead horse!

**The Honourable Sir Jeremy Raisman** Yes, as my Honourable friend says, it is flogging a dead horse I hope I may infer from that that nothing very scandalous or seriously disturbing has come to the notice of Honourable Members who have read through the Accounts and the Report

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions Muhammadan Rural) Except that the horse is dead

**The Honourable Sir Jeremy Raisman** Those Honourable Members who have spoken have touched on a number of points, many of them points of detail, which I doubt whether I should take the House through again

One question of general interest that was touched on by more than one speaker is the old question about the treatment of the loss on strategic railways Well, Sir, this argument comes to us from a period which I thought was dead It comes to us from a time when the defence estimates were so closely scrutinized that every rupee that could possibly be scraped off was attacked It was in accordance with that general outlook that every item that could possibly be charged on the defence budget was sought to be charged in order that the total amount of the defence estimates should be exhibited as excessive Well, Sir, unfortunately, for us, we live in very different times and some very unpleasant chickens have

come home to roost. I cannot see what advantage will be gained by adding on to the defence estimates the amount of the loss on strategic railways. It is realized by everybody that these railways have to be maintained in the larger interests of the country, and we are, at the present moment, engaged in so many other forms of expenditure on defence, which are not charged to the defence estimates, that the whole point has become academic. However, the Committee did discuss the matter and I think they made a suitable observation. I think they decided to let it stand over until after the war, when other questions of considerably greater importance, which I have no doubt will also engage our attention, will be taken up.

My Honourable friend, Sir Ziauddin Ahmad, appeared to think that the Public Accounts Committee had not paid sufficient attention to the expenditure on the Supply Department. I should point out that during the year under consideration, namely, the year 1939-40, the Supply Department had only just come into existence. It was the successor of certain arrangements which had been built up in the period before the war and there was not a great deal for the Committee to deal with. But they did go into certain very important questions about the method of placing supply contracts and in this they were greatly assisted by a memorandum by the Auditor General, and also they took some account of discussions which had been taking place in England on similar questions. There is, I believe, an appendix to the Report (page 97) describing the methods of purchase and financial control in war time and the Military Accounts Committee went into this question with some care, and the observations which they made are borne out by our subsequent experience. I am only concerned to say that Sir Ziauddin Ahmad was not correct in thinking that this matter, which has assumed such great importance since the accounts of the year in question, escaped the notice of the Public Accounts Committee.

**Dr. Sir Ziauddin Ahmad.** May I know which page you are referring to?

**The Honourable Sir Jeremy Raisman.** There is a memorandum on page 97 of Volume I of the Report, and again on page 101 there is a note by the Auditor General on the subject of the war-time purchase of stores.

Sir Ziauddin Ahmad also touched upon the question of abandoned lines. I think he was slightly confused. The part of the Report that raised this question in his mind dealt with abandoned revenue, not with abandoned lines. And there is some difference. Many of the abandoned lines result not in an abandonment of the revenue, but the opposite. However, the answer to his question as to how the loss of capital is treated, is that the loss of capital on the abandonment of railway lines is charged to railway revenue as working expenses to the extent to which it is not covered by the accumulation in the depreciation fund plus the recoveries on account of dismantled materials. I must say, however, that the point which he raised was not strictly relevant to the Report.

Two Honourable Members mentioned the question of saloons for my colleagues. . . .

**Mr. Lalchand Navalrai** (Sind Non-Muhammadan Rural) And also for you, if you have any

**The Honourable Sir Jeremy Raisman** I may take this opportunity of informing the House that in spite of the expulsion of the Viceroy's Executive Council no new saloons are being built. In spite of the addition of five new Members we are contenting ourselves with converting two existing tourist cars for the use of the Council. That is a very different matter. There has not been any extravagant expenditure in regard to the building of saloons, and I may say that my Honourable Colleague, the Railway Member, has only just asked us what I am sure we shall all be ready to do, to refrain from using saloons wherever possible, so as to assist in dealing with traffic congestion at this time.

Sir Ziauddin Ahmad wixed somewhat indignant over the case of a Government servant who, having received overpayments in good faith, was only asked to refund the money which he had overdrawn in the previous twelve months. Well mistakes occur. The financial rules of government in regard to pay and allowances are so elaborate that short of a committee of Accountants General, no government servant can ever be absolutely certain that he is drawing what he is entitled to and no more. Cases, I may say, of underdrawal are quite common, as well as cases of overdrawal. It has often occurred in absolutely good faith. If there is any question about the *bona fides* of any overdrawal, then I need hardly say that the question that would arise would not merely be one of refunding the amount drawn but of disciplinary action also. We are dealing with cases where genuine honest mistakes are made both by the man himself and by all the accounts officers who deal with the question of his pay and allowances. Now, this may be discovered sometime afterwards. Do I understand Sir Ziauddin Ahmad to say that if through a faulty interpretation of a rule an officer, say for ten years, drew Rs. 20 a month more than he was entitled to, he should then be required to refund the whole amount? I may say that in the contrary event, if we find that for ten years he has drawn Rs. 20 less than he was entitled to we do not pay him the whole amount. There is a time limit—some limitation to that form of adjustment.

**Dr. Sir Ziauddin Ahmad** May I say as a matter of personal explanation that I had nothing to say on this point, but I asked what the Public Accounts Committee meant? Did they mean that if a mistake was left undiscovered for one year and is a *bona fide* mistake, then it is not refundable? That is what I wanted to know.

**The Honourable Sir Jeremy Raisman** I am not quite sure what the actual language was. In para. 85—it says

"The point was raised why the entire sum which had been overpaid to the officer was not recovered from him, in instalments if necessary, but it was explained that the usual practice was that overpayments, if they were received by the government servant concerned in good faith, were not recovered for more than the period of one year from the date the irregularity was discovered as recovery for a longer period was considered inequitable."

Then the Committee in this case went on further to criticise the amount of the allowances to which this officer was entitled, which was a separate question from the question of overdrawal of the amounts to

which he was entitled. If Sir Ziauddin Ahmad was not questioning the view that the recovery for an unduly long period was inequitable then I will not pursue the point, but I do want to make it clear that we do not make retrospective adjustments without limit whether in the case of overdrawal or underdrawal, and it may interest members to know that I myself once for a considerable time—although I have always had some connection with the Finance Department—drew less than the substantive pay to which I was entitled and that I did not come to discover until some years later that I had been in effect “done down” by the government, by which time it was useless to put in my claim.

Sir Ziauddin Ahmad made certain remarks on the sale of scrap iron, and I am afraid that here also he rather overflowed the strict limits of relevancy to the case in question. He rather mixed up the case with which the report deals with another which occurred on the North Western Railway in 1936, and that was not a case of removal of material without payment. That was a case in which there were certain allegations that contracts entered into for the sale of scrap on the North Western Railway were to the detriment of the railway. We appointed a committee of inquiry to look into that matter under the chairmanship of Mr. Mudie, now Chief Secretary in the United Provinces, and we issued a press communiqué on the 21st May, 1937, containing a summary of the case and stating that after the most careful consideration of the Committee's report, the Government of India “desired to record the conclusion that they are fully satisfied that none of the allegations or imputations made in connection with the disposal of scrap has the slightest foundation in fact.” So that, I trust that we shall not hear further allusions to that particular matter. But the case actually dealt with in the report related I think, to precautions to ensure that when materials are auctioned, they are not removed before payment has been made, and this matter the committee had been following up and they found that on the East Indian and the Eastern Bengal Railways until recently the procedure had not been entirely in accordance with what had been recommended, but it was reported to the Committee last August that the East Indian Railway had already revised their contracts so as to secure payment for the auctioned materials before removal and that the Eastern Bengal Railway were following suit.

There was a curious case which was mentioned by Mr. Abul Ghani regarding the loss on supply of timber to the Defence Department by the Eastern Bengal Railway. I may say that the Railway Board have already brought this case to the notice of the railways and have ordered that it should be impressed on all responsible officers that the plea of urgency or secrecy should not be considered an excuse for neglecting elementary financial precautions, such as taking receipts for transfer of money or stores. The case was one in which the officers concerned acted in good faith in the interests of expeditious action, and between the two departments a rather cunning contractor, I think, managed to get away with something.

I do not know if there are any other detailed points on which I need detain the House. I will not discuss with my friend, Dr. Sir Ziauddin Ahmad, the question of taking to revenue the whole of the profits from the circulation of small coin. He, I think, charges me with an excess of virtue in this matter, but I cannot help feeling that my successor some day will be grateful for this small mercy. The

[Sir Jeremy Raisman]

taking to revenue of profits of this kind may be very pleasant assistance at certain times. It is usually in times of difficulty and recession and shrinkage of revenue that the opposite process occurs, and then there is a debit which comes home to roost. In the matter of silver rupees we have always followed, or certainly in recent years we have followed the correct practice, but in the matter of small coin we were pocketing from year to year the whole of the profits, whatever they might be, regardless of the fact that a day may come when there will be a return of small coin from circulation, and that a somewhat, as I say, inconvenient debit might have to be accepted against the revenue. Well, it was because I had a tender conscience, and because I had tried to put myself in the place of my successor who would find that extremely inconvenient thing happening—and I imagined the language which I would use if I found myself inheriting such a legacy,—I decided that in spite of the intensity of my present difficulties I must begin to put things on a proper footing.

**Dr Sir Ziauddin Ahmad** May I ask one question, Sir? Suppose a branch line was constructed in the year 1935 at a cost of four crores of rupees, and in the year 1942-43 you decide to abandon that line altogether. Then may I know if these four crores will be recovered from the revenue of 1942-43?

**The Honourable Sir Jeremy Raisman** You first apply the amount which is accumulated in the depreciation fund against that asset, then you sell whatever materials you can sell from the line, and the resulting loss after you have taken credit for both those items is debited against the revenue of the year in which you abandon a line.

**Dr Sir Ziauddin Ahmad** Is it a correct policy to charge to revenue the whole of this amount after whatever you could get by the sale of the materials?

**The Honourable Sir Jeremy Raisman** If you don't do that, your capital will get more and more full of water. If you are going to allow that, if you are not going to credit it to capital and debit it to revenue, then you may find yourself ultimately with a capital of 2,000 crores and lines worth about five hundred.

**Dr Sir Ziauddin Ahmad** This may have been correct, had you not depreciation reserve fund, which is the proper head to debit.

**Mr Jamnadas M Mehta** (Bombay Central Division Non-Muhammadan Rural) After you have paid out of the depreciation fund do you reduce the capital?

**The Honourable Sir Jeremy Raisman** The object of charging it to revenue is to credit it to capital.

**Mr Jamnadas M Mehta** Then it becomes less.

**The Honourable Sir Jeremy Raisman** Yes, it becomes less.

The Assembly then adjourned till Eleven of the Clock on Wednesday the 18th February, 1942.

## LEGISLATIVE ASSEMBLY

Wednesday, 18th February, 1942.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

### MEMBER SWORN

Mr John Hugh Francis Raper, M L A (Government of India Nominated Official)

### STARRED QUESTIONS AND ANSWERS

#### (a) ORAL ANSWERS

##### RAID ON A VILLAGE IN KARACHI DISTRICT BY MILITARY MEN

48 \*Mr Lalchand Navalrai (a) Will the Defence Secretary be pleased to state if it is a fact that a row took place between military men and villagers at the Fakir jo Goth near Tatta in the Karachi district?

(b) Is it a fact that the military men raided the village in order to avenge an alleged insult to one of their officers by the villagers?

(c) Is it a fact that the Honourable the Law Minister of the Sind Government visited the village to obtain first hand information? If so, what statement did he make regarding the same in the Sind Assembly or elsewhere?

(d) Have Government taken any steps against the military men concerned departmentally? If not, why not?

**Sir Gurunath Bewoor.** (a) to (d) Sir, as the incident to which the Honourable Member refers has attracted considerable public attention in the press and elsewhere, I propose, with your permission, to make a somewhat lengthy statement in reply

Under the orders of the Government of Sind, a special investigation has been made personally by the Superintendent of Police, Karachi and Tatta Districts, and the facts ascertained are as follows

Some officers of the armoured division at Malir went out to a pig-sticking camp at Hira Bagh, about four miles from Fakir-jo-Goth, in Tatta Taluka. Captain Ingham of the Royal Deccan Horse, who had been detained at Malir, set out at about 9-30 P M on the 13th December, 1941, to join his brother officers in camp. He was accompanied by three other ranks of his unit and each of these took it in turn to drive the motor truck in order to acquire experience of driving by night. Neither Captain Ingham nor the men who accompanied him had been to the site, where the camp was located, prior to December 13th

The party arrived at Tatta between 1 A M and 2 A M on December 14th and took the road leading to the ferry. They appear to have turned down the road leading to Chaach Soomarki, but missed the turning leading to Hira Bagh and appear to have driven straight on to the "bund" where

they turned left. They proceeded along the "bund" for six or seven miles after which they concluded that they had lost their way and decided to return along the "bund". As they approached Fakir-jo-Goth, they heard dogs barking and Captain Ingham halted near the old P W D hut in order to enquire the way to the camp.

Leaving one of the men, in charge of the truck, he and the remaining two men entered the village and approached the nearest house which happened to be that of Amoo son of Hapi. They shouted to the inmates, who, it seems, mistook them for thieves or dacoits and straightaway attacked them with 'lathis' and other similar weapons. One of the men was felled by a 'lathi' blow on the head and it was fortunate that he was wearing an army *safa* which prevented him from suffering a severe injury. Captain Ingham struck out with his fist and punched Amoo in the jaw, dislocating two of his teeth. The second man seems to have fled in panic, while the first who was knocked down also beat a hasty retreat and rejoined his comrades. Captain Ingham struggled with his assailants and eventually tried to shake them off and seek assistance in the main part of the village, but he was pursued and overtaken. His captors beat him further and brought him back to a bush close to Amoo's house where they secured him with ropes. At this stage the villagers appear to have realised their mistake and found that their captive was a military officer. They consulted Pir Mauk Shah, a prominent villager, who advised them to set him at liberty and after some considerable hesitation Captain Ingham was taken in the direction of the camp. Meanwhile, the three men had proceeded along the 'bund' in the truck and had met some people about half a mile further on and had been shown the way to the camp. On arriving there, they reported the events of the night, so far as was within their knowledge, to their officers, who immediately set out to rescue Captain Ingham. Seeing the headlights of the approaching vehicles, Captain Ingham shouted to attract their attention, and two villagers, who claim to have been accompanying him, made themselves scarce. Captain Ingham was picked up by the rescue party and they all returned to the camp.

Captain Ingham and the three men who had set out with him from Malir then went to Tatta, where they arrived at about 7-30 A.M., and reported the incident to the Police.

Captain Harper of the Royal Deccan Horse, who was the senior military officer present in the camp, set out at the same time, with four other officers, seven orderlies, three syces and a 'shikari' in two trucks for Pir-jo-Goth. On arrival there he told off three parties to place a cordon round the village. He then endeavoured to find some responsible person in the village in order to get a complete narrative of the happenings of the early hours of the morning. Thereafter, he conducted a house-to-house search in order to collect all the able-bodied men of the village. Captain Harper and Captain Hook did enter six or seven houses in order to ascertain if any men had concealed themselves. All the men of the village were collected in an open space in the village and shortly after this was completed, the Sub-Divisional Magistrate arrived and commenced enquiries. Captain Harper's sole object was to prevent any of Captain Ingham's assailants from escaping and there was no intention or attempt on his part or of any of the officers and men who were with him to beat or injure any villager in retaliation for what Captain Ingham had suffered. The villagers complained that their houses were broken open, that some of them, including



an old woman, were roughly handled and that their pots and pans were broken by the intruders. A few broken earthen vessels and chatties were shown to the Superintendent of Police and an inventory was made. The total value of the damage is almost negligible. Under instructions from the Sub-Divisional Magistrate, the Police registered offences under sections 324 and 342, Indian Penal Code, on the information given by Captain Ingham. The Police also registered an offence under section 325, Indian Penal Code, on the complaint of Amoo, and a further offence under sections 147/342/448 of the Indian Penal Code. The allegation that a woman was beaten is, according to the District Superintendent of Police, entirely unfounded.

The report of the Superintendent of Police is at present under the consideration of the Government of Sind with a view to decide the action to be taken.

It will be seen from what I have stated, Sir, that there is no basis whatsoever for the many alarming reports and grossly incorrect and misleading allegations to which currency has been given by certain sections of the press. The Honourable the Law Minister of the Sind Government visited the village and I lay on the table a copy of the statement made by him in the Sind Assembly. As the matter has been the subject of police investigation and is at present under the consideration of the Sind Government, there are no grounds for the Central Government to take any action in the matter.

#### Statement

"THE HONOURABLE THE SPEAKER. Now the Honourable Minister for Law and Order will make a statement with regard to the adjournment motion."

THE HONOURABLE SIR GHULAM HUSSAIN HIDAYATULLAH. Sir, I will request the honourable members of this House to consider my statement dispassionately. I visited the place, met the villagers and saw several houses. The people told me that about 30 or 40 military people came there after the first incident. I am sorry I cannot refer to the first incident as it is *sub judice*.

MR R K SIDHWA. Is the case challaned?

THE HONOURABLE SIR GHULAM HUSSAIN HIDAYATULLAH. Yes, it has been challaned to Court.

MR R K SIDHWA. When was it challaned?

THE HONOURABLE K B ALLAH BAKSH. Before the adjournment motion came.

THE HONOURABLE SIR GHULAM HUSSAIN HIDAYATULLAH. The people told me that about 30-40 military people came there after the first incident, collected all the males and kept them on one side. They tried to search several houses. Women, concealed themselves. I found some damage done in the house. Earthen pots, coats and doors were broken and also a box. An old woman complained to me that she had been beaten. There were no women there except the old woman and two others. I asked the policemen to give them police protection so that the other women might return to their houses.

Now, Sir, there are two alternatives, either the villagers or any aggrieved party amongst the villagers might lodge a complaint before the Magistrate as the other side has done.

MR M A KHOSO. Interruption.

THE HONOURABLE SIR GHULAM HUSSAIN HIDAYATULLAH. That is the legal position. It is not a mass message as is the mentality of the honourable member.

MR ISHARDAS VARINDMAL. What is the second alternative?

THE HONOURABLE SIR GHULAM HUSSAIN HIDAYATULLAH Either they must lodge a complaint before a Magistrate or I am prepared to make an enquiry by a responsible Police officer. Why I say 'Police officer', because he will also get a report and he can call the Military people. Otherwise military people would not come before a private individual or anybody else. These are the two alternatives. Either the villagers must lodge a complaint as the other side has done or if the honourable members prefer I am prepared to have an inquiry held by a responsible Police officer. The Military authorities are also holding a Court of Inquiry into the matter. There are no other legal courts left open. Either they should complain to the Magistrate there or if the Honourable House wants, I might depute an independent responsible Police Officer because he will be able to summon them as he has to make an inquiry into the offence, otherwise they won't come. As I said, the Military authorities are also holding a Court of Inquiry into the matter. These are the two legal courses.

MR. M. H. GAZDAR How will villagers give names of Military people who came?

THE HONOURABLE SIR GHULAM HUSSAIN HIDAYATULLAH The officer will requisition them.

MR. R. K. SIDHWA How will they recognise?

THE HONOURABLE THE SPEAKER Have Government moved the Military authorities?

THE HONOURABLE SIR GHULAM HUSSAIN HIDAYATULLAH We have moved. They have also replied to us. This is what the District Commander has written.

"To prevent the troops of 1 armed division from entering villages an order had already been issued by them putting out of bounds all villages within 5 miles of Malir Camp boundary. When troops have moved beyond that radius they are on exercises and their movements are controlled in formal bodies by their officer. There is no danger of molestation of villagers in this case."

We have no further information to place before the House or to collect. If the House is not satisfied with it and wishes to discuss further, then the best thing is to discuss it to day and let the debate go on till 7 o'clock because there is no time for its discussion tomorrow."

MR. LALCHAND NAVALRAI May I know from the Honourable Member if these military men who went there were with uniforms and were such as could be recognised as military men or not?

SIR GURUNATH BEWOOR I am sorry that the report does not mention whether they were in military uniform or not, but even if they were, I may mention that the time was 2 A.M. and it would have been difficult for anybody to see whether they were in uniform or not. But if the Honourable Member desires, I am prepared to obtain information.

MR. LALCHAND NAVALRAI May I know if the Honourable Member has got any information that at that time it was dark, or whether the military people announced to these villagers that they were not thieves but were military people?

SIR GURUNATH BEWOOR It is naturally expected that it is dark at 2 A.M.

MR. N. M. JOSHI In view of the fact that there is to be a judicial enquiry into this affair, may I ask whether it was right for the Honourable Member to make a long statement giving his version at the best of the affair and prejudicing the judicial enquiry?

SIR GURUNATH BEWOOR Yes, Sir. With the permission of the Sind Government I have given the report of the District Superintendent of Police, and my Honourable friend, Mr. Lalchand Navalrai, asked for information regarding the incident at Fakir-jo-Goth.

**Mr President** (The Honourable Sir Abdur Rahim) A question was put to elicit information and therefore the Honourable Member was perfectly entitled to give as much information as he possessed

**Mr Lalchand Navalrai:** I want to know whether after the incident Captain Ingham reported this matter to the police or any officers at Tatta, which is also a headquarters station

**Sir Gurunath Bewoor** I mentioned in my reply that Captain Ingham and the three men who had set out with him from Malir then went to Tatta, where they arrived at about 7-30 A.M. and reported the incident to the police

**Mr Lalchand Navalrai** Did the police accompany them and take up the investigation or these military officers took it upon themselves?

**Mr President** (The Honourable Sir Abdur Rahim) The matter is under judicial investigation

**Sir Gurunath Bewoor** I said that the Sub-Divisional Magistrate arrived and commenced inquiries

**Mr Lalchand Navalrai** The Sub-Divisional Magistrate, according to the Honourable Member

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member had better attend the inquiry and elicit all the facts

**Sardar Sant Singh** May I know if the cordon round the village was made after the report to the police had been made or before the report was made to the police?

**Sir Gurunath Bewoor** I have stated that these officers proceeded direct to the village and the cordon was made before the police had arrived. I may mention in this connection that the number of people who made the cordon round the village were seven orderlies, three syces and a shikari, whereas it was stated in some of the reports in the Press that the number was 600

**Sardar Sant Singh** May I know whether the cordon was made before the police report or after the police report?

**Sir Gurunath Bewoor** I have said that the cordon was made before the police had arrived. Captain Ingham went to Tatta to make a report to the police and his brother officers came in order to prevent any of the able-bodied men from escaping

**Sardar Sant Singh.** May I know

**Mr President** (The Honourable Sir Abdur Rahim) The matter is under inquiry. It ought not to be discussed any further

**Sardar Sant Singh.** The point I wish to bring out is this, that the Army tried to terrify the people and take the law in their own hands

**Mr President** (The Honourable Sir Abdur Rahim) This is a matter for the judicial authorities who are inquiring into this matter. Next question.

#### INDIA'S PARTICIPATION IN DELIBERATIONS ON PACIFIC OCEAN WAR STRATEGY.

**49 \*Mr Govind V Deshmukh** Will the Defence Secretary please state if Government contemplate sending naval and military officers from India to Washington for participation in the discussions of war strategy in the Pacific Ocean?

**Sir Gurunath Bewoor** On the civil side India is already fully represented at Washington and there is ample opportunity to place India's views and needs before the American authorities. On the Military and Naval side, General Wavell, who is fully aware of India's strategic needs, is now in supreme command of the south-west Pacific and there is, for the time being, no need to depute any military or naval officers from India to Washington.

#### JOINT DELIBERATIONS ON WAR STRATEGY AMONGST ALLIED NATIONS

**50 \*Mr. Govind V. Deshmukh** Will the Defence Secretary please state if joint deliberations regarding war strategy are contemplated amongst the twenty six nations, of whom India is one, who signed the joint declaration in Washington against the Axis Powers on 1st January, 1942?

**Sir Gurunath Bewoor** The Government of India have no information of any such discussions taking place. Should they do, there is no doubt that India's position would be kept clearly in view and the need, if any, for India's representation will be fully considered.

**Mr Govind V Deshmukh:** May I know if the Government is aware that recently a Pacific War Council has been established in London and the talks will take place regarding the war situation in the Pacific?

**Sir Gurunath Bewoor.** This question refers to a different matter. The Honourable Member asked if joint deliberations regarding war strategy are contemplated amongst the 26 nations, of whom India is one, who signed the joint declaration in Washington against the Axis Powers on 1st January, 1942. Our information is that there is no such joint discussion among the 26 nations contemplated. The Pacific War Council is a different thing and the Honourable Member must have read in the papers that India has been invited to be represented in the War Council.

**Mr Govind V Deshmukh:** May I take it that in the Council, as it is established there, representatives of other nations like America, excepting Australia, Canada and India, will not take part?

**Sir Gurunath Bewoor:** That question should be addressed to the Leader of the House.

**Mr K O Neogy** To what extent are the Government of India treated as a free agent in these matters and to what extent are the Government of India treated as a subordinate branch of the British administration?

**Sir Gurunath Bewoor.** That question does not arise. The question asked was whether joint deliberations amongst the 26 nations took place.

**Mr K. C. Neogy:** It does arise in this way. The Honourable Member said that there has been no joint discussion. Are the Government of India expected to be informed directly about such deliberations, or are they informed only when it suits their masters in England to inform them about such things? That is how the question arises.

**Sardar Sant Singh.** The Honourable Member is new to these things. He does not know.

**Sir Gurunath Bewoor.** I want notice.

**Mr. Lalchand Navalrai.** May I know if these 26 nations, including India, are free or not?

(No reply)

Sir, I want an answer to my question.

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member is not apparently in a position to give an answer.

**Mr K C Neogy.** May I know if India is treated as a free nation only for the purpose of signing agreements or also for other purposes as well?

(No reply)

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member is apparently not in a position to answer.

#### DIPLOMA IN MILITARY STUDIES BY THE BOMBAY UNIVERSITY

**51 \*Mr Govind V. Deshmukh.** (a) Will the Defence Secretary please state if he is aware that the Bombay University recently decided to institute a diploma in military studies?

(b) Was there a request by the Bombay Government for officers as lecturers in these studies? If so, when?

(c) Was the request granted? If not, why not?

**Sir Gurunath Bewoor.** (a) Yes, Sir.

(b) There was no specific request for lecturers as such, but an enquiry was made by the Government of Bombay as to whether the Government of India would be in a position to extend any appreciable measure of assistance in organizing the proposed Department of the University and in maintaining it with efficiency.

(c) The Government of Bombay was informed that in view of the present situation it would be extremely difficult to spare any serving officers for providing lecturers for the Diploma Course or for the Department of Military Studies as all available personnel was urgently required and is being utilised elsewhere.

**Mr Govind V. Deshmukh.** May I know when the request was made and when the reply was sent?

**Sir Gurunath Bewoor.** The request was received through the Government of Bombay and not direct from the University. The communication was received in April 1941 and the reply was sent in November 1941.

**Mr Lalchand Navalrai.** May I know from the Honourable Member if he is prepared to say that there was not even one or two military officers who could be given to them for giving training?

**Pandit Lakshmi Kanta Maltra.** They were at Davico's.

**Sir Gurunath Bewoor.** They asked us if we could give them any lecturers and we pointed out that our instructional staff is now fully employed in the officers' training schools which we have now got in Mhow, Bangalore and Dehra Dun and that we would not be in a position to spare any of them for the University Course.

**Dr P N Banerjee.** Could not a retired officer go there?

**Sir Gurunath Bewoor.** We have no objection to any retired officer going there.

**Sardar Sant Singh.** May I take it that the Government of India can not spare any military men to training people during this war?

**Sir Gurunath Bewoor.** We are training people. It is open to any student of any University to apply for an emergency commission when we shall train him ourselves at Mhow, Bangalore or other stations.

**Sardar Sant Singh.** Suppose the University wants to open a training class. Is it not the duty of the Defence Department to co-operate and co-ordinate with the University for the purpose of obtaining people for military duties?

**Sir Gurunath Bewoor.** Certainly. You have the relative importance of the two matters. We value the military and we cannot spare any instructors from training at a university.

**Mr Govind V Deshmukh.** May I ask if any inquiry was made before giving the reply that you could not spare any officials?

**Sir Gurunath Bewoor.** Certainly, Sir.

**Mr Govind V Deshmukh.** When was this inquiry made?

**Sir Gurunath Bewoor.** During period from April to November 1941.

**Mr Husenbhai Abdullabhai Laljee.** Why did it take six months to make that inquiry?

(No answer)

**Dr. Sir Ziauddin Ahmad.** May I ask if the Honourable Member has read the scheme of military education prepared by the Bombay University?

**Sir Gurunath Bewoor:** Yes, Sir

**Dr Sir Ziauddin Ahmad** What does he think about it? I am asking this question because I read it very carefully with the object of introducing it in the Aligarh University I found that I could not accept it

(No answer)

#### PROVISION FOR CIVIL DEFENCE OF INDIA.

**52. \*Mr Amarendra Nath Chattopadhyaya:** Will the Honourable Member for Civil Defence be pleased to state

- (a) the total amount of money allotted to the "Civil Defence" of India,
- (b) the total number of men already appointed for Air Raid Precautions and Civic Guards, Province by Province, and
- (c) the total amount allotted to Civic Guards, Province by Province, and to the Air Raid Precautions, Province by Province?

**The Honourable Sir Reginald Maxwell** (a) and (c) I must request the Honourable Member to await the presentation of the Budget Estimates

(b) The recruitment to Air Raid Precautions and Civic Guards' services is made by the Provincial Governments I lay, however, a statement on the table of the House showing the latest information available

#### Statement

(b) The total number of men already appointed as Civic Guards is furnished below, Province by Province —

Province, etc	No. of Civic Guards recruited	
Madras	10,218	} Recruited upto 1 2 41
Bombay	5,090	
Bengal	14,198	
United Provinces	5,240	
Punjab	22,980	
Bihar	1,468	
C P	3,391	
Coorg	114	
Delhi	166	
Ajmer Merwara	91	
Quetta	33	
Assam	427	} Recruited upto 1 11 41
N W F P	1,397	
Orissa	145	
Sind	671	

As regards the Air Raid Precautions personnel the total number of men already employed is furnished below, province by province so far as information is available —

Province, etc	No of A R P personnel employed	
N W F P	2,244	} Employed upto 31 12 41.
U P	43,642	
Bihar	9,230	
Assam	67	
Madras	8,261	
Bombay	8,496	
Baluchistan	531	
Punjab	18,517	
Sind	498	
Orissa	304	
Bengal	25,235	
Delhi	2,693	Employed upto 31 10 41

**Lieut.-Colonel Sir Henry Gidney** Will the Honourable Member inform the House whether any men of the A R P or Civic Guards are provided with military equipment?

**The Honourable Sir Reginald Maxwell** What does the Honourable Member mean by 'military equipment'?

**Lieut.-Colonel Sir Henry Gidney** I mean either rifles, guns or any such armament

**The Honourable Sir Reginald Maxwell** No, Sir So far as my information goes, they have not been armed in this manner

**Lieut.-Colonel Sir Henry Gidney** In view of the Honourable Member's reply, will he consider the advisability of calling in the rifles and guns that for years have been given to civilians under the Arms Act with a view of supplying the A R P and Civic Guards especially in the Bengal Presidency with some form of military armament to use in case of the Japanese invading Bengal?

**The Honourable Sir Reginald Maxwell** I will consider the Honourable Member's suggestion

**Mr Muhammad Nauman** May I ask what sort of training is being given to the members of the A R P and the Civic Guards, particularly in Calcutta?

**The Honourable Sir Reginald Maxwell** The training is in the hands of the Provincial authorities

**Pandit Lakshmi Kanta Maitra** Will the Honourable Member kindly enlighten the House whether the Civil Defence Member is ultimately responsible for the Civic Guards organisation in the country?

**The Honourable Sir Reginald Maxwell** No, Sir, he is not ultimately responsible The provinces are responsible for their own Civic Guards



**Pandit Lakshmi Kanta Maitra:** Do I understand that the Civil Defence Member has not got authority over these organisations in the provinces?

**The Honourable Sir Reginald Maxwell:** That is covered by another question

**Dr. P. N. Banerjee:** What is the relationship between the Civil Defence Member and the provincial civil authorities?

**The Honourable Sir Reginald Maxwell:** Quite cordial, I hope

**Dr. P. N. Banerjee:** Who is the subordinate authority and who is the superior authority?

**Mr. Lalchand Navarai:** May I know if the Government of India have washed their hands off this matter and have left the protection to be given by the Provincial Governments?

**The Honourable Sir Reginald Maxwell:** No, Sir, but that is covered by another question which I have to answer

**Mr. Lalchand Navarai:** No protection is given?

**Pandit Lakshmi Kanta Maitra:** May I ask if the perfect amity that exists between the Provincial Governments and the Civic Guards and the Civil Defence Member is due to complete inaction on the part of both?

**Mr. President** (The Honourable Sir Abdur Rahim) Next question

#### REPORT ON WORKING OF PROVINCIAL CIVIL DEFENCE BODIES

**53 \*Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Civil Defence be pleased to state if he is in touch with the working of the Air Raid Precautions and Civic Guards in Provinces? If so, will he be pleased to lay on the table a report on the working of Civil Defence bodies received from Provinces?

(b) Considering the present position of Bengal, will the Honourable Member be pleased to state if sufficient number of hands have been employed in Bengal for Civil Defence, and air raid relief?

(c) Is he in possession of a complete report of the two organisations, and does he think that the arrangement is quite adequate? If not, what steps does he intend to take for completing the arrangement to its fullest measure?

**The Honourable Sir Reginald Maxwell:** (a) The Government of India exercise co-ordinating and advisory functions as regards Civil Defence in the Provinces which, however, is a Provincial responsibility. It is scarcely practicable to lay on the table a report on the working of Civil Defence bodies in all Provinces, if by this the Honourable Member means a report of all the multitudinous activities which are grouped together under the term Civil Defence. The compilation of such a report would involve an expenditure of time and labour which had better be devoted at this juncture to the urgent work that is necessarily being carried on at high pressure

If the Honourable Member will let me know any specific points on which he desires information, I shall be happy to give such information as is available

A statement showing the proposed and actual strength of the Civic Guards up to the 1st December, 1941, is laid on the table

(b) The position regarding the Civic Guards in Bengal appears to be satisfactory but a great many more volunteers are required for Air Raid Precautions Services

(c) The Government of India prescribe the frame work of the organisation to be set up for Civil Defence and it is for the Provinces to fill it in. The Government of India are satisfied that the organisation itself is adequate and have no doubt that the Provincial Governments have taken and are taking all possible steps for the full development of the Services in question. The results however must inevitably depend to a very great extent on the response made by the public

*Statement showing the number of Civic Guards in the various Provinces*

Provinces	Total number proposed to be recruited	No recruited up to 1 12 41
Madras	14,472	10,218
Bombay	9,700	5,090
Bengal	14,063	14,198
United Provinces	9,586	5,240
Punjab	28,150	22,980
Bihar	2,097	1,468
Central Provinces	4,500	3,391
	(Maximum)	
Assam		427
N.W.F.P.	3,021	(Till 1 11 41) 1,619
Orissa	175	145
Sind . . .	2,300	643
Coorg		114
Delhi	252	166
Ajmer Merwara	227	91
Quetta	200	33

**Mr Muhammad Nauman:** The Honourable Member did not say anything about the air raid relief, which is covered by part (b) of the question. May I ask what arrangements have been taken for air raid relief and whether the Central Government is paying that amount from the Central Exchequer or the Provincial Government has been asked to meet it from its own resources?

**The Honourable Sir Reginald Maxwell:** The payment is made by the Central Government

**Dr P. N Banerjee:** What is the amount of expenditure incurred by the Government of Bengal for this purpose?

**The Honourable Sir Reginald Maxwell:** For which purpose?

**Dr P. N. Banerjee** For the civil defence?

**The Honourable Sir Reginald Maxwell** The Honourable Member can get the information from the Budget speech of the Bengal Minister

**Dr P. N. Banerjee.** And what is the contribution made by the Government of India?

**The Honourable Sir Reginald Maxwell** That is still under discussion

**Sardar Sant Singh.** May I ask if the Honourable Member is aware that for the purpose of spending money on the air raid precautions and Civic Guards the Punjab Government has asked the local bodies to contribute something towards it and to bear some expenses?

**The Honourable Sir Reginald Maxwell:** I shall ask notice of that question

**Dr Sir Ziauddin Ahmad** Does the air raid relief include air raid precautions which are financed by the Central Government?

**The Honourable Sir Reginald Maxwell** Relief is one of the heads of the air raid precautions, which cover a number of heads

**Maulana Zafar Ali Khan** What does the term 'air raid relief' mean? Does it involve monetary aid to persons who suffer?

**The Honourable Sir Reginald Maxwell** What I was referring to is the war risk injury scheme

**Dr Sir Ziauddin Ahmad** If any attempt is made for air raid precautions, may I ask whether the Government of India would be prepared to assist such precautions financially?

**The Honourable Sir Reginald Maxwell.** We are already doing it to a very large extent

**Mr. Umar Aly Shah** May I ask at how many places arrangements have been made for air raid precautions?

**The Honourable Sir Reginald Maxwell** I shall require notice of such a detailed question as that

#### PERSONNEL OF THE INFORMATION AND BROADCASTING DEPARTMENT.

**54 \*Qazi Muhammad Ahmad Kazmi.** Will the Honourable Member for Information and Broadcasting please state

(a) the number of the personnel of the Department as on the 1st February, 1942, and

(b) their pay?

The Honourable Sir Reginald Maxwell: (a) and (b) The required information is given in the statement laid on the table

*Statement showing the Personnel and their pay, of the Department of Information and Broadcasting, as on February 1, 1942*

Name	Designation	Pay (Per month) Rs
(i) <i>Gazetted</i>		
Mr F H Puckle, KCIE, CSI, ICS	Secretary	4,000
Mr P N Thapar, ICS	Deputy Secretary	2,100
Mr M Khurshid, ICS	Under Secretary	1,425
Mr P J Griffiths, M L A, ICS (Retd)	Controller of Film Publicity	Honorary
Dr K T Behanan, Ph D	Officer on Special Duty	800
Mr Peter Johnson	Advertising Consultant	900
K S Abulaseer Hafiz Jallundari	Song Publicity Organiser	760
H P Kaul	Superintendent	640
Mr Mohd Sabir	Superintendent	600
(ii) <i>Non Gazetted</i>		
Mr H C Akhtar	Assistant Song Publicity Organiser	300
Mr Bashir Ahmad	Assistant	160
Mr Rameshwar Dayal	Assistant	230
Mr K Sachchidanandan	Assistant	230
Mr D Krishna Aiyar	Assistant	140
Mr S Bannerji	Assistant	140
Mr Riaz Hussain Qureshi	Assistant	100
Mr K K Sethi	Assistant	100
Mr R K Sharma	Clerk	220
Mr Rulla Ram	Clerk	151
Mr B D Seth	Clerk	70
Mr Zahur Hassan	Clerk	64
Mr C D Sharma	Clerk	64
Mr Ram Behari	Clerk	60
Mr K S Monga	Clerk	64
Mr Hakumat Rai	Clerk	62
Mr Sahur ud Din	Clerk	62
Mr Man Mohan	Clerk	60
Mr Basheshwar Nath Chadha	Clerk	60
Mr Abdul Hamid	Clerk	60
Mr Bishan Das	Clerk	60
Mr Ghafoor Ahmad	Clerk	60
Mr Raj Kushan Chadha	Clerk	60
Mr Tariok Singh	Clerk	60
Mr Raj Kumar Vadera	Clerk	60
Mr M A Hamid	P A to H M	462½
Bawa Ishar Singh	P A to Secretary	376
Mr Ram Lal Kalra	Stenographer	187½
Mr D R Khana	Stenographer	140

**Lieut-Colonel Sir Henry Gidney** Will the Honourable Member inform the House whether there is an effective co operation between the Department of Broadcasting and Information and the Public Relations Department in the Army?

**The Honourable Sir Reginald Maxwell** That is an interesting question, but it does not seem to arise out of the question that has been answered.

**Mr. Lalchand Navalrai** May I know if the number of the personnel of the Department has been increased since the war? If so, to what extent?

**The Honourable Sir Reginald Maxwell** I shall require notice of that question. It is not covered by the original question.

**GAZETTED OFFICERS IN SUBORDINATE OFFICES OF THE INFORMATION AND BROADCASTING DEPARTMENT**

**55 \*Qazi Muhammad Ahmad Kazmi** Will the Honourable Member for Information and Broadcasting please state

- (a) the names of persons holding gazetted appointments in the—
  - (i) Bureau of Public Information,
  - (ii) Film Pubhcity,
  - (iii) Office of the Chief Press Adviser, and
  - (iv) Directorate of Counter Propaganda, and
- (b) their pay?

**The Honourable Sir Reginald Maxwell** (a) and (b) The required information is given in the statement laid on the table

*Statement showing the names of persons holding gazetted appointments in the (i) Bureau of Public Information, (ii) Office of the Film Advisory Board, (iii) Office of the Chief Press Adviser and (iv) Counter Propaganda Directorate, together with their designations and pay*

Serial No	Name	Bureau of Public Information Designation	Pay
			(Per month)
			Rs
1	Mr J Natarajan	Principal Information Officer	1,850
2	Mr S A Jawad	Deputy Principal Information Officer	1,100
3	Mr B L Sharma	Information Officer	750
4	Mr B Fonseca	Do	640
5	Mr F D Douglas	Do	700
6	Miss C Leslie	Do	850
7	Mr O Rahman	Do	700
8	Mr M L Bhardwaj	Do	700
9	Mr S R S Raghavan	Do	800
10	R S C N Sen	Administrative Officer	780
11	Mr. N. Miljeans	Chief Superintendent	520
12	Mr R L Handa	Assistant Information Officer.	440

*Bureau of Public Information—contd*

Serial No	Name	Designation	Pay (Per month.) Rs.
13	Mr V Krishnaswami	Assistant Information Officer	420
14	Mr B B Kapasi	Do	420
15	Mr J A Kidwai	Do	420
16	Mr B Mukhopadhyay	Do	420
17	Mr Madho Prasad	Do	420
18	Mr Binod U Rao	Do	400

*Office of the Film Advisory Board*

1	Mr V Shantaram	Officer in Charge of Production	2,500
2	Mr L T Shivdasani	Business Manager	600
3	Rao Bahadur A K Patankar	Financial Adviser	200

*Office of the Chief Press Adviser*

1	Mr B J Kirchner	Chief Press Adviser	2,250
2	Mr R I Hall	Assistant Press Adviser	1,150

*Counter Propaganda Directorate*

1	Mr F Watson	Director	1,200
2	Dr T G P Spear	Deputy Director	750+
			S P 100
3	Mr H S Sibthorp	Monitoring Officer	850+
			S P 100
4	Mr G E Addicott	Counter Propaganda Officer	700
5	Mr Salman A Ali	Do	700
6	Mr K R Purna	Assistant Counter Propaganda Officer	600
7	Mr Surjeet Singh	Do	550
8	Mr N P Dube	Do	400
9	Mrs M K Barrington	Deputy Monitoring Officer	500

**DUTIES OF THE PRINCIPAL INFORMATION OFFICER, ETC, AND COST OF ISSUE OF THE INDIAN INFORMATION SERIES AND OTHER PUBLICATIONS**

**56 \*Qazi Muhammad Ahmad Kazmi** Will the Honourable Member for Information and Broadcasting please state

(a) the nature of duty assigned to—

- (i) the Principal Information Officer,
- (ii) the Deputy Principal Information Officer, and
- (iii) other Gazetted Officers,

(b) the cost of the issue of—

- (i) the *Indian Information Series*,
- (ii) the *Bharata Samachar*,
- (iii) the *Markers Itilayath*, and
- (iv) other cyclostyle or printed matters, and their quantity of print and publication,

- (c) if it is a fact that the *Indian Information Series* is distributed free amongst the public of the United States of America and of the United Kingdom if so what the number of copies so distributed is in the two countries and
- (d) the number of copies of the *Indian Information Series* distributed free amongst the public of India?

**The Honourable Sir Reginald Maxwell** (a) to (d) The required information is given in the statement laid on the table

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*Statement*

- (a) Nature of duties assigned to the Officers of the Bureau of Public Information
- P I O Direction of policy
- Maintenance of contact with Hon'ble Members of Council and general supervision of the work entrusted to each Information Officer
- Publicity for the offices of the Private and Military Secretaries to H E the Viceroy
- Correspondence and exchange of material with Publicity Officers in Provinces and abroad
- Contact with the Department of Information and Broadcasting and its attached offices
- Administration of Office
- D P I O Administration of Office
- Supervision of publicity in the Urdu language
- Questions of policy regarding publicity in the other four Indian languages
- Advertisement policy and the supervision of the list of newspapers considered suitable to receive Government of India advertisements
- Organisation of War publicity
- Contact with the Department of Information and Broadcasting and its attached offices
- Liaison with the Defence Department, the Office of the Financial Adviser Military Finance and the office of the Military Accountant-General
- Information Officers (8)
- Five are employed on the publicity of the activities of the various Departments of the Government of India and their attached and subordinate offices
- One is in charge of all matters (except administrative) relating to the printing and publication of the English edition of "Indian Information"
- One is employed on war publicity work
- One is in charge of publicity in the Urdu language
- Assistant Information Officers (8)
- Five are employed on publicity work in the five Indian languages, viz., Hindi, Urdu, Tamil, Gujarati, and Bengali
- One is in charge of the Newspaper and Analysis Sections of the Bureau
- One assists the Information Officer for War Publicity One to assist the Information Officer in charge of the production of "Indian Information"
- Administrative Officer
- In charge of all work relating to administration, establishment, discipline, budget, expenditure, etc
- Chief Superintendent,
- Deals with smaller cases relating to administration, establishment, expenditure, etc

(b) During the nine months ending December 31, 1941, the expenditure on distribution (postage and freight charges) was —

	Rs	A	P
Indian Information	23,254	2	3
Bharatiya Samachar	2,315	4	9
Markazi Ittelaat	1,963	11	9
Cost of Staff	10,350	0	0

Information about the expenditure incurred during this period on paper, printing and blocks is being ascertained and will be furnished in due course

It is not quite clear what the Honourable Member means by "quantity of print and publication". If he desires to know the number of copies printed, figures for the latest issues dated February 15, 1942, are given below —

Indian Information	35,200 copies
Bharatiya Samachar	10,600 copies
Markazi Ittelaat	12,250 copies.

Without the expenditure of an inordinate amount of time and labour, which would not be justified by the result, it is not possible to give the cost and the number of copies of other publicity material cyclostyled or printed which varies according to the subject of each item

(c) "Indian Information" in the three editions is distributed free. 5,759 copies of the English edition, 24 of the Hindi and 14 of the Urdu are now sent to the United States of America. 600 copies of the English edition are sent to the United Kingdom, no copies of the Urdu and Hindi editions are sent to that country

(d) 17,339 copies of "Indian Information", 6,226 copies of "Bharatiya Samachar" and 3,590 copies of "Markazi Ittelaat" are distributed free to the public in India

#### UNSTARRED QUESTION AND ANSWER

##### UNITED PROVINCES SUBORDINATE MEDICAL SERVICE MEN DECLARED UNFIT BUT ORDERED FOR OVERSEAS MILITARY DUTY

**22 Qazi Muhammad Ahmad Kazmi:** (a) Will the Defence Secretary please state whether it is or it is not a fact that under the orders of the United Provinces Government some members of the Provincial Subordinate Medical Service of the United Provinces were examined on August 1940, by the Civil Surgeon, Jaunpur, for their fitness for military duty and were declared to be unfit for it?

(b) Is it or is it not a fact that these persons were subsequently ordered to appear before the Provincial Medical Board held on the 14th August 1940, at Lucknow and were similarly declared unfit for military duty?

(c) Is it or is it not a fact that these persons were again in October or November 1940, examined by the Civil Surgeon, Jaunpur, and were again declared unfit for military duty?

(d) Is it or is it not a fact that the Inspector General, Civil Hospitals, United Provinces, in letter No 1216-E, dated January 20, 1941, declared these persons fit for military duty in category "C"?

(e) Is it or is it not a fact that category "C" is prescribed for military duty in India only?

(f) Is it or is it not a fact that these persons consequently joined the military duty at Rawalpindi on 1st September, 1941, in category "C"?



(g) Is it or is it not a fact that the Officer Commanding, Indian Military Hospital, Jullundur Cantonment, on the 12th January, 1942, invited the opinion of the Dermatological Specialist, Lahore, as to the fitness of these persons (who were placed in category "C" when they joined the Army) for service in the Army? If so, what was the opinion expressed by the Dermatological Specialist?

(h) Is it or is it not a fact that these persons were found to be suffering from various chronic diseases for periods varying from 3 months to 2½ years in duration?

(i) Is it or is it not a fact that these persons are now being detailed to proceed with units to the Fields Overseas?

(j) If the replies to parts (a) to (i) be in the affirmative, have Government considered the advisability of pressing upon the authorities concerned the enforcement of the category in which they joined for military duty? If not, why not?

(k) If the replies to parts (a) to (i) be in the negative, what are the real facts?

**Sir Gurunath Bewoor** I am collecting the information and will lay it on the table in due course

## MOTION FOR ADJOURNMENT

### CONDITION OF THE DEFENCES OF INDIA

**Mr President** (The Honourable Sir Abdur Rahim) There is a motion for adjournment. Qazi Muhammad Ahmad Kazmi has given notice of a motion to adjourn the House to discuss a definite matter of urgent public importance, viz, the condition of the defences of India in view of the recent happenings at Singapore.

This seems to be a very wide subject. By the expression 'condition of the defences of India', I suppose the Honourable Member wants information as to the state of defences of India at present. That ought to be done by means of an interpellation and it cannot be obtained by means of a motion for adjournment. The Government might perhaps, in that case, like to make a statement as to what is the exact condition of the defences of India. The motion is ruled out of order.

**Qazi Muhammad Ahmad Kazmi** (Meerut Division, Muhammadan Rural) Will they do it at an early date?

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member had better put down a short notice question subject to acceptance by the Government.

**Qazi Muhammad Ahmad Kazmi** May I just make one submission? So far as the position of India is concerned.

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member cannot make a speech.

**Qazi Muhammad Ahmad Kazmi**: I am not making a speech. I am making a submission.

## MESSAGE FROM H E THE GOVERNOR GENERAL

- **Mr President** (The Honourable Sir Abdur Rahim) Order, order. I have to read out to the House a Message that I have received in connection with the Railway Budget from His Excellency the Governor General. The Message reads

"In exercise of the powers conferred by Rule 2 of the Indian Legislative Rules, I, Victor Alexander John, Marquess of Linlithgow, hereby appoint the Honourable Sir Andrew Clow to perform the functions assigned to the Finance Member under Rule 46 of the said rules on the occasion of the General Discussion appointed for Monday, the 23rd February, 1942, of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways

(Sd) LINLITHGOW,

*Viceroy and Governor General*"

New DELHI,

The 24th January, 1942

## RAILWAY BUDGET FOR 1942-43

**The Honourable Sir Andrew Clow** (Member for Railways and Communications) Sir, I have the honour to present the Railway Budget for 1942-43. It would, I think, be true to say that on the railways, as on the leading industries of this country, the most obvious effects of the war have hitherto been beneficial. They have earned phenomenal profits and to the public eye, their gains have been more apparent than their difficulties. If in some quarters there were complaints of insufficient facilities, that was not an entirely new phenomenon, particularly in more prosperous times, and many felt that better organization would overcome the hardships involved. The war was regarded by too many as something so remote from India that we were immune from its direct effects, business and politics could go on as usual, but with their tempo heightened by the indirect effects with which the first two years of war had made us familiar.

### *The present position*

2 To those who shared this view, recent events have come as a rude awakening, a fact which was reflected in our passenger traffic from Calcutta a few weeks ago. Actually, the difficulties which the war has created and is bound to create for transport have increased steadily throughout the year, and I trust that the figures which I present later will not lead any to view the prospects with complacency. Until fairly recently, it seemed that the railways, if given time, could discharge most of the demands made on them. There was a serious lag in the cold weather, but the slack season could be relied on to overtake the arrears. The present position is that the slack season has disappeared, traffic this summer remained at about the level of the previous winter and far above that of a normal winter, while this winter has brought a further increase in demands which it is impossible to meet in full. Military traffic has been on an unprecedented scale, supplies have been produced at an ever increasing speed, other industries have expanded steadily, and alternative means of transport have contracted to an embarrassing extent.

3 Simultaneously the railways have had to face increasing handicaps. Rolling stock and rails have had to be given up to meet the requirements

of defence, replacements are difficult or impossible to obtain, and experienced personnel, in growing numbers, have gone on military or ancillary services. The signs point to an increasingly difficult situation. The rising intensity of the war effort, with all its direct and indirect effects is likely to have cramping effects on the general public. There is little prospect at present of the railways meeting more than a proportion of the demands made upon them, even if the tide of battle comes no nearer our shores.

4 There is likely, therefore, to be hardship on an increasing scale, but those running the railways will do as much as lies in their capacity to eliminate unnecessary hardship by meeting demands as far as is possible. They have already important achievements to their credit in this direction. Comparing our estimates of traffic in the current year with the figures for 1938-39, the last pre-war year, there is a rise of 30 per cent in the ton miles of goods carried and of over 16 per cent in passenger miles. This means an increase of nearly three thousand million passenger miles and of 6½ thousand million ton miles. Included in these figures is a large military traffic, for example, about 2,000 special trains were provided in the first nine months of this year. The handling of military traffic gives rise to peculiar difficulties and tends to leave an aftermath of arrears of other traffic which is disproportionate to its volume. So that the increase in the amount of traffic carried has involved greater efforts than its bare proportion, large though that is, would suggest.

5 This has only been rendered possible by steady improvement in operating services and constant attention to maintenance. The extent of the achievement is illustrated by the fact that on the broad gauge system the average daily task of each locomotive on the line has risen from 15,000 freight ton miles in 1938-39 to 17,000 freight ton miles and the wagons' daily tale of freight ton miles has been raised from 551 to 592. The public, in judging of railway capacity, is apt to think in terms of wagons, but the supply of wagons is only one of the factors which may impose limitations, and in many cases shortage of supply is due to limited operating capacity or inadequate power. Despite difficulties in respect of steel, works have been carried out which have enlarged the operating capacity on critical sections. All this has, of course, meant a big increase of work, which has fallen on a system which, owing to the difficulty of replacement, must suffer some deterioration. Most railway officers have shared the experience of their locomotives in having much harder tasks while their years increase. I am afraid that the average speed of the rolling stock must fall somewhat, that of the officials will not if they can help it.

#### *Accounts for 1940-41*

6 Let me turn from this brief mention of the work done to the financial reflection of that work. In introducing the budget last year I expected a surplus of 14.59 crores. Although this estimate had been substantially raised at the last moment, it proved under the mark by no less than 8.87 crores. The last two months of the year gave exceptional traffic returns, we earned in that period 88 lakhs per day as against 80 lakhs per day in the preceding ten months, so that the gross traffic receipts for the year came to 111.94 crores instead of 109.25 crores. At the same time expenditure was less than the estimate by 1.06 crores. The largest

[Sir Andrew Clow]

item in this consisted of provision for enhanced dearness allowances to the staff which was not actually disbursed until the financial year had closed. Of the surplus of 18.46 crores, 12.16 crores went to general revenues and 6.30 crores to the railway reserve.

*Revised Estimates for 1941-42*

7 For the current year the original estimate of revenue, including miscellaneous receipts, was 110.49 crores. This and indeed all previous figures have been greatly exceeded, and we now estimate the receipts at 129.57 crores. Throughout the greater part of the year both goods and passengers have shown substantial increases, latterly there has been a slight slackening in goods traffic, but passenger traffic has tended to show a further increase. The expenditure was put originally at 98.66 crores, but our present estimate is 103.37 crores. This increase is in the main due to an adjustment in respect of dismantled lines and abandoned assets and to the transfer of expenditure on ballast renewals from the depreciation fund to revenue. The net value of the assets lost in respect of dismantled lines amounts to 2.91 crores, 1.30 crores in respect of those dismantled last year and 1.61 crores in respect of those dismantled this year. A sum of 70 lakhs is available in the depreciation fund in respect of them, leaving an uncovered balance of 221 lakhs. When I presented the current year's budget, it was decided to debit such uncovered loss to the railway reserve, and this was actually done in 1940-41. On re-examination it has been found that technically it will be sounder to charge the amount to working expenses instead of adopting the round about method of putting the money first into the general reserve and then withdrawing it in the same year. It has therefore been decided with the concurrence of the Auditor General to adopt this course from the current financial year.

8 Last year I explained in some detail the system on which it was proposed to divide the surplus between general and railway revenues. The present position is that a moratorium is in force in respect of past debts to the depreciation fund and to general revenues. But we felt and still feel that despite this moratorium railways ought to make a substantially larger contribution to general revenues at this juncture than could be claimed under the Convention governing this matter. Actually what we attempted to do was to calculate how the surplus would be divisible under the Convention if there were no outstanding debts and then to make an arbitrary deduction from the amount assigned by this system to the railways. But subsequent examination has led to the conclusion which has the concurrence of the Auditor General, that technically no surplus accrues until the arrears of debt have been paid off. As the system adopted, although founded in part on a mistaken impression, had been made to yield, by means of the arbitrary deduction, an equitable result, we propose to leave the allocation undisturbed, and to utilize the same method for dividing any surplus that may accrue next year. The sums so assigned to general revenues will, after meeting the 1 per cent contribution for each year, go towards liquidating the arrears of that contribution for past years. Our present estimate for the current year is that the surplus will be 26.20 crores, of which the share of general revenues will be 19.12 crores and that of the railways 7.08 crores.

9 We propose to devote this last sum not to the railway reserve fund but towards repaying part of the debt to the depreciation fund. That fund should also receive a net accretion of about 7½ crores this year and of 5½ crores in 1942-43 representing the difference between the contribution made each year and the probable expenditure. Thus, if our estimates are fulfilled, the fund should have to its credit on 31st March, 1943, a sum of over 64½ crores. The position of this fund has been the subject of long and earnest consideration during the past year and I would like to acknowledge here the assistance given by the valuable work done on this subject by one who had made it his special study. I refer to Sir Raghavendra Rau whose untiring work for the railways both outside and inside this House will long be remembered and whose death we deeply regret. The result of these inquiries has satisfied us that, even if we are able to repay the whole amount abstracted from the fund in the lean years, we shall still have a defective rather than an excessive provision there. As a later opportunity will doubtless present itself of discussing the subject in detail, I do not propose to enter on such a discussion now. I would merely stress the importance of doing all that we reasonably and legitimately can to ensure that after the war the railways are in a position to play a full part in the reconstruction of the State.

#### *Fares and freights*

10 Before giving the actual estimates for next year, I propose to deal with certain changes which are contemplated in fares and freight. In the present situation there are strong arguments for a substantial increase in passenger fares. The demand for passenger traffic has already reached a level which we have been unable to meet and so far from being able to increase our capacity here, we may have to make a substantial diminution almost at once. This is likely to be rendered necessary by the paramount importance of providing further capacity for goods and of meeting the military and supply demands. We have, with the co-operation of the press, issued an appeal to the public to avoid unnecessary travel, but the effect of this is likely to be small compared with the effect that would be produced by an enhancement of the fares. Such an enhancement, moreover, would recoup us for the traffic which is lost and it would also tend to counterbalance the increased costs which road transport is having to face. Finally, the bulk of the increased revenue would go under present arrangements to the taxpayers and thus permit them to be relieved in other directions.

11 We have weighed these arguments with the attention they deserve but have come to the conclusion that we should stav our hands in the matter of imposing a general increase. The need for this may become more apparent as time goes on, but we are anxious to avoid any undue increase of cost to the railway users. If railways followed the practice of many industrial and commercial firms, they could at the present moment secure very large increases in revenue and at the same time ease their own difficulties considerably by imposing increases which would effectively curtail the demand. But we are satisfied that this would not be in the public interest, and I hope that if in the future railways may again have to face financial stringency, the moderation that has been shown will not be forgotten. All that we propose to do for the present is to make certain enhancements on two railways, the East Indian and the North Western. Passenger fares on these railways are substantially

[Sir Andrew Clow ]

below the level prevailing on the other State-managed lines, and there is no sufficient ground for continuing to give passengers on those railways particularly cheap rates. A schedule of the enhancements is being distributed with the papers which will be placed in your hands but I may say that on the East Indian Railway, except for an increase of  $\frac{1}{4}$  pie per mile or 5 per cent in the Intermediate class there will be no enhancement at all on a journey up to 50 miles and the enhancement in the fares for the two lower classes on the N W and E I for a journey of any distance will not exceed  $\frac{1}{4}$  pie per mile. Even after these enhancements the general scales will still remain somewhat below those prevailing on other important lines. These enhancements will not be brought into force until the 1st of May and the total estimated accession of revenue is in the neighbourhood of half a crore.

12 In respect of freights, we propose to make two changes, both of which are dictated largely by traffic considerations. In the first place we propose to increase the rate for parcels. If this is not done, there will be an increasing tendency to send goods as parcels and thus to increase the strain on our passenger trains which are already having to be curtailed. The present rate for parcels is two annas per rupee above the pre-war rate, and it will be increased by another two annas. A similar enhancement will apply to excess luggage, but there will be no enhancement on articles which were exempted from the former increase such as newspapers. The extra revenue from this change next year is estimated at half a crore.

13 In respect of food-grains we have made no change since the war began. We have followed this policy mainly in order to avoid as far as possible contributing to the extra cost of living, but it is clear now that even if we had imposed an increase its effect would have been insignificant compared to the enhancement of prices which others have secured. Wheat, for example, has been selling in important markets at 100 per cent over the pre-war price. In spite of this we do not propose to bring food-grains into line with other commodities, but intend merely to impose an extra charge of two annas in the rupee on consignments of less than a wagon-load. Full wagons would continue to be charged at the existing rates. This is being done in order to ensure a better use of wagon supplies at a time when they are badly wanted. The revenue effect is likely to be small. We also propose to withdraw the rebate on wheat exported west of Aden, as there are no grounds at present for encouraging the export of wheat. The payments this year are likely to be of the order of three lakhs. None of these changes will be operative till the 1st of May.

#### *Estimates for 1942-43*

14 Our estimate of the receipts for next year can be little more than a guess. Estimates of this kind are necessarily based on tendencies already apparent, coupled with changes that can be foreseen. But a war of the present intensity cannot be resolved into tendencies nor can we foresee with any accuracy the changes it may bring. We have, in the light of our imperfect knowledge, taken the estimated figure for the current year and subjected it to minor adjustments to allow for such factors as are apparent—the tendency to move from more paying to less paying traffic, the loss of a number of branch lines and a certain quantity of rolling

stock, the minor alterations in our charges. This has given us a revenue figure of 128.47 crores. The estimate of expenditure may also prove wide of the mark but we cannot allow for possible new factors which are at present quite speculative and have taken a figure of 100.52 crores. This is 2.85 crores less than the revised estimate for the current year, but that estimate includes non-recurring adjustments and expenditure of 3.44 crores. We have allowed for an increase in ordinary working expenses of 1.11 crore. In the result the surplus is put at 27.95 crores.

15 I must warn the House that this figure is highly speculative, and is more likely to prove too high than too low. We face an extremely uncertain future, and there are various possible happenings any one of which might add greatly to our expenditure or injure our revenue or produce both effects at once. It is, on the whole, unlikely that no such events will disturb our calculations. If I were not obliged to place before the House detailed estimates of the expenditure that can be foreseen, and could make an arbitrary reduction from the revenue figure to cover in calculable risks, I should present a lower estimate. But we cannot, in budgeting, allow for contingencies of varying degrees of probability and of incalculable force. We must proceed on the basis of the factors which are apparent and which lend themselves to analysis. No one can allow for an earthquake and war tends to be a series of convulsions. My own view is that if the estimated surplus is realized, the nation is likely to be able to congratulate itself on more than that achievement.

16 If the surplus of 27.95 crores is realized, it is clear that we cannot allow the provisions of the Separation Convention to take its ordinary course next year. To do that would involve denying to the general taxpayer that measure of relief which he can legitimately claim, having regard to the strain he is asked to bear and to the fact that the railways' surpluses are being greatly swollen by expenditure on defence. It is, therefore, necessary that there should be a renewal of the moratorium, and a resolution to this effect will be placed before the House shortly. The surplus for 1942-43 can then be disposed of on the same system as before. If the estimates are realized, the railways' share will be 7.82 crores to be devoted to the repayment of debt to the depreciation fund. The share of general revenues will be 20.13 crores, and this payment would not only wipe out the arrears of the one per cent contribution but involve an additional payment of over a crore. The realization of this extra amount is, however, so speculative that it seems hardly necessary to reach a decision at this stage regarding its treatment. I would merely say provisionally that it might be treated as an advance payment on account of the one per cent contributions due in future.

17 If the present conditions appear likely to continue after 1942-43, a new situation will be created. For the taxpayer will still have a strong claim in equity to substantial relief from railway revenues, but there will be no debt against which any payments outside the Convention can be set. We are therefore asking the House to renew the moratorium for only one year. This will make it necessary to put before you in the course of the year proposals involving a revised arrangement regarding a division of the surplus. Whether these arrangements will involve a general revision of the existing Convention, or merely further interim arrangements to meet the war situation only, must depend on further consideration in the light of the position reached by the autumn.

[ Sir Andrew Clow ]

*Capital position*

18 I deal now with the more important changes in our assets. On the debit side, we have a further reduction in the mileage, due to the dismantlement of lines. The rails set free are being utilized for purposes of defence, both within India and overseas. Those taken this year may amount to rather over 500 miles, of which about 70 miles were a forest trainway. The total represents only a fraction of the rails supplied, as rails from stock, rails set free by relaying and new rolling have been used to the utmost extent possible. The capital cost of the lines dismantled this year is 219 lakhs. A sum of 30 lakhs has accumulated against them in the depreciation fund, which also receives 58 lakhs for released materials, so that 88 lakhs will be debited to that fund and 131 lakhs to working expenses. We have also surrendered certain quantities of rolling stock. We deeply regret the necessity of doing anything to curtail the railways' capacity for service to the public at a time when alternative means of transport are so restricted, but it is a necessity, and some of the material has already proved of much more benefit to the country than it was in its original location.

19 On the credit side the most important change made during the year has been the acquisition of the capital of certain companies with the transfer of their lines to State management. On the 1st January we took over the Bombay, Baroda and Central India Railway involving 1260 miles of broad gauge line, 2025 miles of metre gauge line and 172 miles of narrow gauge line. We also took over the Assam Bengal Railway which had 1308 miles of metre gauge line and have amalgamated it with the Eastern Bengal Railway in what is now the Bengal and Assam Railway. These changes have involved an addition of 4.88 crores to our capital, which at the end of this year should stand at 758 crores.

20 An even bigger addition to our capital will be made in 1942-43 when we take over the Bengal and North Western and Rohilkund and Kumaon lines. The B & N W Railway at present works 824 miles of our lines and owns 1274 miles of its own. The R & K Railway works 311 miles of State-owned line and 259 miles of its own. The total capital cost is estimated at 18.15 crores. We propose to work these systems including the Tirhoot Railway, as a single unit. In addition we are acquiring the Tapti Valley Railway, a branch line of 156 miles worked by the Bombay, Baroda and Central India Railway, at a cost of 166 lakhs and the Mirpurkhas Khadro Railway, a branch line of about 50 miles, worked by the Jodhpur Railway, at a cost of 12 lakhs. We estimate that the capital at charge will have risen by the end of next year to 781½ crores.

21 Thus, with the exception of unimportant light railways and some lines owned by Indian States, the whole of the railway system of Northern India and the extensions of this system in the western half of the peninsula as far south as the Kistna will be both State-owned and State-managed, and Company management will be confined to the lines in the east and south of the peninsula. The combined mileage of the State-managed railways which stood a couple of months ago at 17,000 miles will be increased to 24,000 miles, and the State railway employees will have risen from 3,90,000 to over half a million men.



*Conclusion*

22 The fact that after a fairly long experience of State-management public opinion is, on the whole, strongly in favour of further enlargement of its scope is a compliment to those responsible for State railways which it would be ungracious to pass over in silence. I referred in my speech last year to the advantages which State management offers and the difficulties which it tends to create and do not propose to repeat what I then said. It is my earnest hope that the big decisions we have taken will yield all that the public expects from them.

23 At the same time I would record my personal opinion that if State management on this immense scale is to achieve success in a parliamentary State, both Government and the Legislature must acquiesce in a large devolution of responsibility. I am occasionally reminded by those who are anxious that I should use my personal influence in the matter of the promotion of an assistant station-master or the appointment of a clerk or the assignment of some minor contract, that the Moghal Emperors allowed all subjects to approach them personally with petitions on any matter. It is suggested that I or the Chief Commissioner, in our more limited and less august spheres, should emulate them. What happened to the bulk of these petitions history does not record but I am convinced that to day no great Department of State would long work if those at the top attempted to deal personally with all the matters that might be put before them. This is not because we regard detailed administration as unimportant; it is most important and personal cases may be of great moment to those whom they affect. It is simply because a great organization can only be carried on efficiently if there is a genuine sharing of responsibility and if those in less prominent positions are regarded not as mere agents or subordinates—a word I dislike—whose every act is subject to revision, but as co-workers who are carrying on the struggle in different parts of the field. We should strive constantly that, as far as possible, all concerned get fair dealing and, more than that, get the feeling that there has been fair dealing. But this is not going to be ensured by constant interference by Government in individual cases any more than efficiency can be secured by attempting to concentrate all authority at headquarters. We must be prepared to trust over a large field of administration, those filling responsible posts, and do our utmost to select men who merit that trust.

24 Speaking after three years' close acquaintance, I can affirm that the House and the public have reason to feel general confidence in those holding responsible posts on our railways. They are not good at advertising their own merits, even when they have the time to do so, and the public is too often left with inadequate information of their difficulties and their efforts. But they and the host of others in the various grades of the service have been facing increasingly arduous and complex tasks with devotion and skill, and I do not believe that the general standard of efficiency has ever been higher than it is to-day. I would acknowledge specially the inspiring lead given by Sir Leonard Wilson and his officers here in a more exacting time than the railways have ever had to face.

25 The impossibility of meeting all the calls upon the railways has resulted not merely in serious inconvenience to many of the public, but in real hardships in a number of cases. As I suggested earlier, such hardships are more likely to increase than to decrease as our war effort grows

[Sir Andrew Clow]

in intensity. No one regrets this more than the railway administrations, who are themselves undergoing a considerable strain. I would acknowledge the forbearance shown by most sections of the public under present conditions, and ask for the fullest measure of co-operation in any trials that lie ahead. They will thus enable railwaymen in all ranks of the service to give of their best for the public welfare in every way they can and in particular, by striving for that victory on which depends greatly the welfare of India for generations to come.

### THE INDIAN PENAL CODE (AMENDMENT) BILL

**Mr President** (The Honourable Sir Abdur Rahim) Legislative Business. Further consideration of the Bill further to amend the Indian Penal Code. I believe clause 2 was under discussion.

**Mr Lalchand Navarai** (Sind Non Muhammadan Rural) Sir, with respect to my amendment, it was proposed yesterday that the Government might consider if they could not move an amendment themselves. Since then

**Mr President** (The Honourable Sir Abdur Rahim) No amendment was moved as a matter of fact?

**Mr Lalchand Navarai** No. None was moved. It is a question whether I am going to move my own or to accept theirs. I am very thankful to the Honourable the Law Member for being so frank and reasonable in regard to my amendment.

**Mr President** (The Honourable Sir Abdur Rahim) Is the Honourable Member going to move his amendment?

**Mr Lalchand Navarai** I just wish to say a word or two. I am also thankful to Sir George Spence for having helped in bringing out an amendment, which will be presently moved, which covers my amendment, therefore I will not move mine, but shall give way to the Government to move their own.

**Mr President** (The Honourable Sir Abdur Rahim) It was not necessary for the Honourable Member to make such a speech in that case.

**Mr Lalchand Navarai**: I had to express my thanks.

**Sir George Spence** (Secretary, Legislative Department) Sir, I move 'That in clause 2 of the Bill, in the proposed section 52A before the words "The word 'harbour'" the following be inserted

"Except in section 157, and in section 130 in the case in which the harbour is given by the wife or husband of the person harboured,"'

I gather that this amendment is generally acceptable. The Honourable the Law Member has already made it clear that for their own part the Government would not have seen any necessity for moving an amendment in this sense, but in deference to the strong wishes manifested in other

quarters of the House they have put forward this amendment in the hope that the Bill will now go through without further controversy Sir, I move

**Mr President** (The Honourable Sir Abdur Rahim) Amendment moved

'That in clause 2 of the Bill, in the proposed section 52 A before the words "The word 'harbour'" the following be inserted

"Except in section 157, and in section 130 in the case in which the harbour is given by the wife or husband of the person harboured,"'

**Mr President** (The Honourable Sir Abdur Rahim) The question is

'That in clause 2 of the Bill, in the proposed section 52 A before the words "The word 'harbour'" the following be inserted

"Except in section 157, and in section 130 in the case in which the harbour is given by the wife or husband of the person harboured,"'

**Qazi Muhammad Ahmad Kazmi** (Meerut Division Muhammadan Rural) Sir, I want to speak on the amendment

**Mr President** (The Honourable Sir Abdur Rahim) When I put the amendment I paused to see whether there was any Honourable Member wishing to speak, and nobody stood up I am putting the question now The question is

'That in clause 2 of the Bill, in the proposed section 52A before the words "The word 'harbour'" the following be inserted

"Except in section 157, and in section 130 in the case in which the harbour is given by the wife or husband of the person harboured,"'

The motion was adopted

**Qazi Muhammad Ahmad Kazmi** I would like to speak on the section itself

**Mr President** (The Honourable Sir Abdur Rahim) You cannot do that, the amendment has been accepted by the House, and you cannot criticise the verdict of the House The Honourable Member ought to know that

**Qazi Muhammad Ahmad Kazmi.** I want to speak on the whole section The amendment has been decided upon by the House, but not the section yet The section has yet to be put to the House

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That clause 2, as amended, stand part of the Bill"

Does the Honourable Member wish to speak on that?

**Qazi Muhammad Ahmad Kazmi:** Yes, Sir At the very outset I submitted that it was time that we revised the definition of the word 'harbour', and instead of including some further things, we ought to have excluded something The Government have seen their way to bring an amendment by which they have incorporated in the section something which was already there, and which they omitted to incorporate at the time when they brought this Bill But the chief objection that I raised to it still continues The question is what right we have got to increase the scope of

[Qazi Muhammad Ahmad Kazmi ]

the section in view of the fact that we have found by actual experience that certain words that exist in the section itself are liable to great misuse and have actually been misused by the persons who have the power to prosecute under this section. I laid before the House the example of offering fruit and other things to prisoners of war. Now, in spite of the fullest sympathy with the Government, I am afraid that this section is very likely to be very greatly misused in the present days. The Honourable the Law Member said that the question of prisoners of war was a very important one. I perfectly agree and I also agree with him that the question of deserters is still more important—which was not raised by him. We do not want in any way to encourage any deserting, and we are prepared to agree to any kind of punishment that the Government may think fit to impose on deserters, but at the same time, at the present time, we do not want to embarrass the whole of the public by having ambiguous laws. Who is a deserter? A person comes back home or to his village and says that he has been discharged. How are the people of the village to know that this man has actually been discharged and that he is not a deserter? How are the people of the place to know that he has not been discharged but has actually deserted. Now, such a person comes back and lives in a village. Any person who offers food and drink or in any way helps him will be liable under the provisions of this law. Not only that, Sir

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member has already said all that while considering the Bill.

**Qazi Muhammad Ahmad Kazmi** Not the whole of it, Sir.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member made a long speech.

**Qazi Muhammad Ahmad Kazmi** I merely want to point out that we have also to take into consideration the courts which have to enforce this law. It may be said, and it is sometimes said, as was pointed out by the Honourable the Law Member, it is necessary to do away with legal quibbles, but the difficulty is that, though I am not in favour of legal quibbles, they are always there. I do not want them, the legislator does not want them, but you must also consider the mentality of the people who will actually administer this law. In this connection I will just state to the House one of my own personal experiences as to how the people who administer the law interpret

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member need not go into general questions like that. The Honourable Member has got a lot of experience no doubt of administration of law, but he need not go into all that.

**Qazi Muhammad Ahmad Kazmi**: No, Sir, I don't want to say anything from general experience, but I want to mention a specific instance, and the House will find that we cannot leave the words of the section itself ambiguous and leave it to the mercy of the courts, the appellate courts and

the highest appellate courts, and it is the duty and function of the Legislature to save persons from being embarrassed by the authorities who prosecute them for offences. In this connection I will just relate how the courts interpret this section. I know, Sir, there was a case at Mussoorie in which a big State was making an application

**Mr President** (The Honourable Sir Abdur Rahim) That has nothing to do with this question of harbouring

**Qazi Muhammad Ahmad Kasmi** Of course, it is a question of harbouring

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member must not go on talking about matters which are not relevant

**Qazi Muhammad Ahmad Kasmi** Then I will only say that the word 'harbour' is very extensive. Something has been added to it, and I oppose that addition. Before I finished Sir, there is one thing more that I want to say, and it is this

**The Honourable Mr M S Aney** (Leader of the House) The Honourable Member cannot oppose the addition because it has been already accepted by the House. You can oppose the amended section if you like

**Qazi Muhammad Ahmad Kasmi** Sir, I want to point out one irregularity in this connection. Now, Sir, the Government have agreed to exempt certain sections from the operation of this law. Is it proper for them to place the section under Chapter II? Because by so doing, they would make it applicable to every other section in which the word 'harbour' is used in the future. The intention of the Legislature is specifically to confine the definition of 'harbour' to the three sections that are already there, and one more is added, because they have specifically exempted section 157 from the operation of the definition of the word 'harbour'. Now that you have created a new position by exempting certain sections, my submission is that the proper place for this section is not 52A, but it must be as an exemption and it may continue to be 216B, and only one more section 130 should be added to it. So, from the point of view of legislation after you have accepted the exemption, the proper place goes away from Chapter II to the old section 216B. I hope the Honourable the Law Member will consider this position carefully and not make the word 'harbour' so comprehensive, because if any further amendment is made in the Indian Penal Code and the word 'harbour' is used, it will be necessary for the Legislature to consider the word 'harbour' in its full significance as defined in the Indian Penal Code, and not in the ordinary sense. With these words, I oppose this

**Mr President** (The Honourable Sir Abdur Rahim) The question is "That clause 2, as amended, stand part of the Bill"

The motion was adopted

Clause 2, as amended, was added to the Bill

Clause 3, was added to the Bill

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill

**The Honourable Sir Sultan Ahmed (Law Member)** Sir, I move

"That the Bill, as amended, be passed "

**Mr President (The Honourable Sir Abdur Rahim)** Motion moved

"That the Bill, as amended, be passed "

**Mr Amarendra Nath Chattopadhyaya** (Burdwan Division Non-Muhammadan Rural) Sir, the amendment as passed has only exempted husband and wife. It is quite surprising that the Government should think that a family in India consists only of a husband and wife. Indian homes, Sir, Indian families consist of parents, brothers and others. Does the Honourable Member, the author of this Bill, mean to suggest that if a father or mother happens to give a glass of water to a thirsty son who has absconded, he or she becomes a criminal? Is the mother to be penalised for having offered a glass of water to her thirsty son who has been away from his home under certain circumstances? I am afraid, Sir, the whole law has been drafted in a hurry.

**Mr President (The Honourable Sir Abdur Rahim)** The House has accepted the clauses of the Bill.

**Mr Amarendra Nath Chattopadhyaya** Yes, Sir, I know it has been accepted, and there is no way out of it, but in reading this clause it seems that the meaning of the word 'harbour' has been stretched so widely that it is impossible for any man to be hospitable to any man in the street.

**Mr. President (The Honourable Sir Abdur Rahim)** The Honourable Member is going beyond the third reading of the Bill.

**Mr Amarendra Nath Chattopadhyaya** I am speaking on the third reading.

**Mr President (The Honourable Sir Abdur Rahim)** This is not a third reading speech which the Honourable Member is making. The House has come to a decision so far as the clauses are concerned.

**Mr. Amarendra Nath Chattopadhyaya** It has been decided so far as this clause is concerned. I would, therefore, request the Honourable Member once again to give consideration to this Bill.

**Mr President (The Honourable Sir Abdur Rahim)** The Honourable the Law Member cannot alter a decision of the House.

**Mr Amarendra Nath Chattopadhyaya** I ask him to give further consideration to this Bill and bring forward a better Bill in future, in this very Session if possible. Only on account of the majority he has got with him he could have this Bill passed, otherwise he could not have it passed into an Act. Therefore, I request him to bring in a new Bill and a better Bill.

**Mr President (The Honourable Sir Abdur Rahim)** The question is

"That the Bill, as amended, be passed "

The motion was adopted.

**The Honourable Mr. M. S. Aney** (Leader of the House) Sir, the only business which we would be in a position to place before the House on Friday would be the consideration and passing of the two small Bills introduced on Monday. In the circumstances, I suggest that it would meet the general convenience if you cancelled the meeting fixed for that day with the effect of leaving it free for the meeting of Select Committees on some or all of the private Bills referred to Select Committee on Saturday last.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions Muhammadan Rural) We could not follow you at all.

**The Honourable Mr. M. S. Aney** We suggest that the meeting for Friday might be cancelled.

**Mr. President** (The Honourable Sir Abdur Rahim) As Government have no sufficient business to place before the Assembly on Friday next, I should like to know whether it will meet the general convenience of Members if I cancel the sitting for that day.

**Several Members** Yes.

**An Honourable Member** There is an election fixed for that day.

**Mr. President** (The Honourable Sir Abdur Rahim) There are some meetings of Select Committees and some Honourable Members will have to attend them. There will be no meeting of the Assembly on that day, that is, Friday next. I ought to mention that election of Members of some Standing Committees has been fixed for next Friday. That will go on and will not be affected by the Assembly not sitting on that day.

**Qazi Muhammad Ahmad Kazmi** (Meerut Division Muhammadan Rural) It will be an inconvenience to Members to come here on that day only for that purpose. Why not have the election tomorrow?

**Mr. President** (The Honourable Sir Abdur Rahim) The House stands adjourned till 11 A.M. tomorrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 10th February, 1942.





## LEGISLATIVE ASSEMBLY

Thursday, 19th February, 1942

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair

### STARRED QUESTIONS AND ANSWERS

#### (a) ORAL ANSWERS

##### MEANS OF REDRESS OF GRIEVANCES OF SUBORDINATE RAILWAY EMPLOYEES

157. \*Mr. Amarendra Nath Chattopadhyaya (a) Will the Honourable Member for Railways be pleased to state if railway employees, who are not in officers cadre have any means of getting redress of grievances which had not been redressed by the General Manager or the Agent of State Railways on applications by the aggrieved?

(b) Will the Honourable Member be pleased to state if such employees who have grievances against their Heads of Departments, having failed to get any redress from the Departmental Head, had got their grievances redressed by the General Managers on application, and in how many cases such applications have been rejected by the General Manager—beyond whom there lies no appeal—during the years 1938, 1939, 1940 and 1941?

(c) In cases where the grievances of ministerial subordinates have been against the General Manager, will the Honourable Member be pleased to state if there is any higher appellate authority?

(d) Is it a fact that a departmental head or a General Manager of a Railway can discharge, dismiss and dispense with the services of any ministerial subordinate, without showing any reason, by paying one month's pay or giving a month's notice?

The Honourable Sir Andrew Clow. (a) Non-gazetted staff on Railways have a right of appeal to the Railway Board in disciplinary cases where the penalty has been inflicted by the General Manager himself

(b) I have no doubt that General Managers have taken action to redress genuine grievances of staff on Railways, as regards the second part, I have no information nor can I undertake the researches necessary to obtain it

(c) I would refer the Honourable Member to my reply to part (a)

(d) Yes, if the circumstances warrant such action

##### RESTRICTION AS REGARDS ELECTION TO MANAGING COMMITTEE OF CO-OPERATIVE CREDIT SOCIETY ON NORTH WESTERN RAILWAY

58. \*Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that under Rule 625 of

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+Answer to this question laid on the table, the questioner being absent

the State Railway Establishment Code of 1938, no previous sanction of the head of a department was required if a railway servant accepted an honorary office in a registered co operative society?

(b) Is it a fact that the General Manager, North Western Railway, Lahore, under his circular letter No 153-E/O, dated the 26th April, 1941, has desired that an employee wishing to stand for election as a member of the committee of management of the North Western Railway Employees Co operative Credit Society, Lahore, should do so through and with the permission of the head of the department in which he is serving, who will forward such an application to the Secretary of the Society only when, in his opinion, sanction may be given to the employee concerned to stand for such a post? If so, why?

(c) Is there any such restriction on Government servants in other Departments in respect of elections to their departmental co-operative credit societies? If not, why has such a restriction been placed on the railway employees only.

(d) Does the Honourable Member propose to ask the North Western Railway administration to give such general sanction without requiring the obtaining of sanction by each individual employee? If not, why not?

**The Honourable Sir Andrew Clow** (a) Yes, but this rule has since been superseded

(b) Yes, in accordance with Rule 14 of the Railway Servants Conduct Rules contained in Appendix XI to the State Railway Establishment Code (revised)

(c) The Government Servants Conduct Rules applicable to other departments contain a rule similar to Rule 14 of the Railway Servants Conduct Rules, the latter part does not arise

(d) No, it is not considered advisable to fetter the discretion of the local authorities in this matter

**Mr Lalchand Navalrai** May I know why this rule was superseded, and by whom?

**The Honourable Sir Andrew Clow** I am afraid I would require notice of that

**Mr Lalchand Navalrai** It is the General Manager who has issued the circular, and, with respect to that circular, has he consulted the Board or the Honourable Member, or has he done it on his own?

**The Honourable Sir Andrew Clow** I certainly was not consulted. The circular merely carries out the intention of the rule

**Mr. Lalchand Navalrai** I am asking, with whose permission he issued a circular of this kind?

**The Honourable Sir Andrew Clow** I presume that the General Manager issued it. He is perfectly within his duties in doing so

**Mr. Lalchand Navalrai** What were the reasons for superseding the rule?

**The Honourable Sir Andrew Olow:** The reason is that we cannot allow this, in a sense, to be a matter of right. The duties connected with the co-operative society may on occasion make a real inroad into an employee's time.

**Mr. Laichand Navalrai** With regard to (d), instead of each one being put to inconvenience in applying separately, why should not general sanction be given by the Manager?

**The Honourable Sir Andrew Olow** This kind of sanction depends on the other duties of an employee. This kind of work may make quite a big inroad into his time, particularly if it involves travelling from one place to another. It is only the administration who can judge whether he can undertake this work without detriment to his official work.

#### SUPERSESSION OF QUALIFIED MUSLIM ASSISTANT WAY INSPECTORS

59. \*Mr. H. M. Abdullah\* Will the Honourable Member for Communications please state

- (a) if for several years prior to January 1940, rules for the promotion of Assistant Way Inspectors to the posts of Permanent Way Inspectors provided that only those who had duly qualified from the Walton Training School would be so promoted,
- (b) whether several Muslims had qualified themselves and were fairly senior for such promotion,
- (c) whether the rules were revised in January, 1940, so as to remove the distinction between qualified and unqualified Assistant Way Inspectors for purposes of such promotion, and
- (d) what the number is of qualified Muslims who have been superseded by non-Muslims as a result of the revision of this rule?

**The Honourable Sir Andrew Olow** (a) The reply is in the negative. Others who did not have this qualification but fulfilled certain other specified conditions were also eligible for promotion.

(b) There were, on 4th January, 1940, five Muslims who had passed the qualifying examination of the Walton Training School, but only three of them were declared suitable for promotion by the Selection Board. These three were, in seniority, in the lower half of the list of 80.

(c) No, but an alteration was made in one of the conditions under which certain men who had not qualified in the Walton Training School lost two years seniority for promotion on that account.

(d) One, but he has subsequently been promoted.

#### SUPERSESSION OF MUSLIM CLERKS IN COMMERCIAL BRANCH, HEADQUARTERS OFFICE, NORTH WESTERN RAILWAY

60. \*Mr. H. M. Abdullah\* Will the Honourable Member for Communications please state

- (a) whether a Hindu clerk of the Miscellaneous Section of the Commercial Branch of the Headquarters Office, North Western Railway was reduced by one step for six months and transferred to the Central Registry as a punishment for bad work,

- (b) whether a Muslim clerk with more than 22 years unblemished record of service was transferred in his place to the Miscellaneous Section without his consent and against his wishes, because he was expecting promotion in the Central Registry in the next higher grade,
- (c) whether it is a fact that shortly afterwards the Hindu clerk sent to the Central Registry as a punishment was allowed to officiate in the next higher grade in that Branch while the appeal of the original incumbent of that post for re transfer to the Central Registry and promotion to the post which he would have normally obtained, was rejected on the plea that he should now look forward to promotion in the Miscellaneous Section where he had been transferred,
- (d) whether it is a fact that on the occurrence of a vacancy in the Miscellaneous Section the claim of this Muslim and other Muslims were over looked and a junior Hindu was promoted instead, and
- (e) whether it is a fact that these senior Muslims appealed against their supersession by this junior Hindu clerk but that their appeals were rejected, and whether the Honourable Member is prepared to take steps to stop the supersession of Muslims in this manner?

**The Honourable Sir Andrew Clow** Inquiries are being made and a reply will be laid on the table of the House in due course

#### ADDITIONAL LINE STAFF ON STATE RAILWAYS

**61. \*Mr. H. M. Abdullah:** (a) Will the Honourable Member for Communications please state how many additional posts in class II have been recently sanctioned in different categories of line staff on the various State Railways so as to provide a wider channel of promotion in these categories?

(b) What is the communal distribution of these posts on the various Railways, i.e., what is the number of Muslims and members of other communities who have received promotion as a result of the creation of these posts?

**The Honourable Sir Andrew Clow** (a) On the North Western Railway, 508 grade I clerical posts were converted into grade II posts last year

(b) I have no information but I would observe that promotions are not made on communal considerations

#### SUPERSESSION OF A QUALIFIED MUSLIM ASSISTANT WAY INSPECTOR OF KARACHI DIVISION

**62. \*Mr. H. M. Abdullah** Will the Honourable Member for Communications please state

- (a) whether it is a fact that a senior qualified Muslim Assistant Way Inspector of the Karachi Division, who stood first in the examination for the course of Permanent Way Inspector at the Walton Training School, has been superseded by unqualified junior Hindus as a result of the revision of rules in January 1940, on the North Western Railway,

- (b) whether it is a fact that this person submitted several appeals against his supersession and that one of his appeals to the Divisional Superintendent, Karachi, was withheld by his Hindu Assistant Engineer,
- (c) whether it is a fact that this person was originally placed on the approved list but was subsequently taken off this list for no apparent reason,
- (d) whether it is a fact that several Hindus junior to this person, unqualified from the Waiton Training School and on the unapproved list were promoted as Permanent Way Inspector in supersession of this person's claim, and
- (e) whether the Honourable Member is prepared to make enquiries in this case and take necessary action to stop such favouritism of non-Muslim and supersession of Muslims for the future?

**The Honourable Sir Andrew Olow:** I have no particulars of this case but gather that it is one of the cases to which the Honourable Member alludes in his question No 59. The information supplied in that case should suffice to make the general position clear.

#### UNSTARRED QUESTIONS AND ANSWERS

##### DIRECTLY RECRUITED GUARDS ON NORTH WESTERN RAILWAY

**23. Mr Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state the number of persons directly recruited on the North Western Railway as Guards, Grade III or Class I, Grade II (Revised Scales), in 1939, 1940 and 1941?

(b) How many Grade II Guards were promoted to Grade III during those three years?

(c) Is it a fact that the ratio for direct recruitment in intermediate grades of railway service is fixed at 20 per cent? Has this ratio been observed in the case of Guards, Grade III on the North Western Railway? If not, why not?

**The Honourable Sir Andrew Olow:** (a) and (b) The following table gives the required information

Year	Direct recruitment	Promotion
1939	1	Nd
1940	7	25
1941	10	33

of the ten recruited in 1941 one failed to qualify and was discharged

(c) Yes since March 1940. Since that date there were ten cases of direct recruitment and 42 of promotion.

##### RELIEVING STAFF OF CERTAIN CATEGORIES ON NORTH WESTERN RAILWAY

**24. Mr Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state the sanctioned percentage of relieving staff for the following categories on the North Western Railway

- (i) Station Masters, grades I, II and III,

- (ii) Assistant Station Masters, grades Ordinary, I and II,
- (iii) Ticket Collectors and Train Clerks,
- (iv) Booking, Goods and Parcel Clerks, and
- (v) Guards, grades II, III and IV?

(b) What were the actual percentage of the relieving staff on the North Western Railway, separately for each division and category referred to in part (a) above, on 1st September, 1940 and 1st September, 1941?

(c) If the percentage was less than the sanctioned percentage, what steps were taken to fill the vacancies? Is it a fact that there is a general shortage of relieving staff with the consequence that leave is either stopped or the grant substantially curtailed? If so, why?

**The Honourable Sir Andrew Clow** (a), (b) and (c) Information is being obtained from the North Western Railway and a reply will be laid on the table of the House in due course

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#### NOMINATION OF THE PANEL OF CHAIRMEN

**Mr President** (The Honourable Sir Abdur Rahim) I have to inform the House that under sub rule (1) of rule 3 of the Indian Legislative Rules, I nominate Syed Ghulam Bhik Nairang, Lieut -Colonel Sir Henry Gidney, Sir Henry Richud-on and Sir Cowasji Jehangir on the Panel of Chairmen for the current Session

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#### COMMITTEE ON PETITIONS

**Mr President** (The Honourable Sir Abdur Rahim) I have to announce that under sub order (1) of Standing Order 80 of the Legislative Assembly Standing Orders the following Honourable Members will form the Committee on Petitions, namely

- (1) Syed Ghulam Bhik Nairang,
- (2) Mr Jamnadas M Mehta,
- (3) Sir Abdul Hahm Ghurnavi, and
- (4) Mr N M Joshi

According to the provision of the same Standing Order the Deputy President will be the Chairman of the Committee

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#### ELECTION OF A MEMBER TO THE COMMITTEE ON PUBLIC ACCOUNTS

**Mr. President** (The Honourable Sir Abdur Rahim) I have to inform the Assembly that up to 12 Noon on Wednesday, the 18th February, 1942, the time fixed for receiving nominations for the election of a Member to the Committee on Public Accounts only one nomination was received. As there is only one vacancy I declare Kunwar Hajeer Ismael Ali Khan to be duly elected

## RESOLUTION *RE* ADMINISTRATION OF THE INCOME-TAX DEPARTMENT—*contd*

**Mr President** (The Honourable Sir Abdur Rahim) The House will now resume discussion of the following Resolution moved by Sir Abdur Halim Ghuznavi on the 12th February, 1942

"That this Assembly is of the opinion that the administration of the Income-tax Department has caused and is causing great discontent among the Indian assesses all over India and recommends to the Governor General in Council that, in order to redress their grievances, action on the following lines be immediately taken, namely

- 1 that Indian assesses and European assesses be in every way treated in exactly the same manner,
- 2 that the Appellate Assistant Commissioners and the Appellate Tribunal be placed under the control of the Law Department of the Government of India or of the Federal Court instead of the Finance Department,
- 3 that the Central Department in Calcutta and Bombay be forthwith abolished,
- 4 that the Income tax Act and the Excess Profits Tax Act be in their application interpreted according to the recognized judicial rule of interpretation, *sc.*, a fiscal law should be interpreted in favour of the subject,
- 5 that explanations given by the assessee and statements of fact made by him be treated with due regard,
- 6 that the Income tax Officers be not expected to realise tax according to pre-determined budget,
- 7 that no arbitrary action be taken about the registration of firms or about the separation or jointness of families
- 8 that accounts audited by qualified auditors be treated with the utmost respect and assesses be not harassed by calling for Books of Account, etc., and such explanations only as may be necessary for the assessment of income may be asked "

**Mr Husenbhai Laljee**

**Mr Husenbhai Abdullahbhai Laljee** (Bombay Central Division—Muhamedan Rural) Last time I pointed out

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member has four minutes left

**Mr Husenbhai Abdullahbhai Laljee** Last time I pointed out that the chief objection I had with regard to the matter was the discriminating treatment not between the Europeans and Indians only but between the big people and the ordinary class of people, between the people in the towns and cities and people in the district. I want the Department to treat everybody alike. I know very well that the big influential people can exert their voice and we have seen in the proceedings that have been circulated how even our Indian great men can very well tackle the Department, probably a little more than somebody else.

Then the other question to which I should refer is with regard to the Central Department in Calcutta and Bombay. With regard to that also, I have told the House, so far as I know, this was a matter which was fully discussed between the parties concerned and the Government. Besides, the position then between the Government and the other

[Mr Husenbhai Abdullabhai Laljee]

parties was that a compromise was arrived at and certain definite understandings were come to and I do hope and believe that the Government do wish to carry out the undertakings given by the then Finance Member. When I have said this, I must also say this that I do not agree, unless I hear something extraordinary from the Honourable the Finance Member or from other gentlemen here, as to why it has become after so much time now essential that this Central Department both in Calcutta and Bombay be forthwith abolished. I know there is a great complication that has arisen by more than one supreme authority being in one place owing to this appointment but we can very well request the Finance Department to divide the work in a manner not to cause complication or overlapping or undue interference.

We have got first the Income-tax Officer and he has got Inspectors and he has got Examiners. Then, Sir, I should certainly like that the Inspecting Assistant Commissioner should certainly go through the files that the Income-tax Officers pass, but it is not far at all that the Inspecting Commissioner should pass orders before the Income-tax Officer has decided the matter, usually he can advise them generally or when some special case is brought by them to him, they are also responsible officers. This would be then to say the least not interfering with the work, otherwise this will make the Income tax Officer entirely dependent upon the orders of the Assistant Inspecting Commissioner.

Sir, in the interview that Mr Sheehy had with the Indian Merchants Chambers and others at Calcutta I was sorry to find while reading it that there were insinuations made by both the sides as to the ability and capability of the Income-tax Officers. Whatever may be, even if the officers are not capable, surely the Inspecting Commissioner can change them, but there is no justification for him to give them guidance when the cases are actually being gone into. Then, there is an appellate jurisdiction provided, and if the assessee can go to this appellate jurisdiction, I submit the Inspecting Commissioner can also submit the cases for appellate jurisdiction if his own subordinate or the Income tax Officer has done something wrong or when something has gone wrong.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member's time is up.

**Mr Husenbhai Abdullabhai Laljee** The only other thing that I would point out is this. There are three authorities, the Commissioner of Income tax, the Central Department and the Inspecting Inspector and the ordinary officers. Therefore, I would submit that the Central Department ought to confine itself to the technical matters and to such other matters which, if the Commissioner were to make a reference to the Central Board as is usual, the Central Board could send them to him as its agent on the spot to look into. The Central Department ought not to interfere in the ordinary work, he must strictly confine to special matters and to a few big cases.

Then, Sir, I come to my last but not least point. I do not want that it should become a practice that only if there is an audited account the Income-tax Department should not go into it. This principle is wrong for the simple reason that the poor and the ordinary class of people cannot have auditors, better really they are honest and there will be no equality



of treatment. Once it is established then it will be only the great people who will take advantage, who can get big auditors to go into their accounts and others will be forced the other way about, it will be very unfair to smaller people, most unfair and all sorts of enquiries will be made of them.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member must conclude his speech now.

**Dr R. D. Dalal** (Nominated Non Official) Sir, I propose, with your permission, to refer to a few salient features of the eight-point Resolution moved by my Honourable friend, Sir Abdul Halim Ghuznavi. The obscurities of the Income tax law have been the despair of the tax payer, and the subject of constant judicial remonstrance. The obscurities of the Income-tax law open the door to a two-fold evil. On the one hand, they encourage evasion, while, on the other, they lead to administrative oppression, because only too often the tax-payer finds himself unable to bear the immense costs of legal proceedings. Sir, if that be discontent, I am in perfect agreement with the Honourable the Mover.

Now, Sir, I take this opportunity to bring to the notice of the Honourable the Finance Member a grievance that has been felt very much by the public, namely, vexatious delay that occurs in dealing with income-tax refund claims. I think the Income tax Department should be responsible for seeing that the income tax refund claims are disposed of promptly. A definite period should be laid down within which refund claims should be settled. In cases where refund is delayed beyond three months, the assessee should be allowed a certain percentage of interest. That, Sir, would act as a certain check upon dilatory proceedings.

Sir, I agree that Indian assesses and European assesses should be treated exactly in the same manner, but I enter a most emphatic protest when it is alleged that the Income tax authorities connive at the tax avoidance resorted to by European assesses. May I be allowed to make this point clear? If a tax-payer can by lawful means reduce his income, the courts will not inquire whether the transaction has any genuine business validity. It is common knowledge that an ever-growing number resort to evasive methods. Many of these methods have not yet been reached by legislation. The policy of the Income-tax Act has been to deal with the most important tax-dodging devices, but as fast as one hole is stopped, another appears. So, as the outline of a practical policy, I would suggest that a special body should be set up composed of highly paid whole-time legal and accountancy experts, whose sole function would be to seek out and investigate all cases of suspected tax avoidance and expose methods of evasion, and to submit recommendations from time to time to the Central Board of Revenue for legislation to thwart evasive operations.

Sir, the Indian Income tax (Amendment) Act of 1939 separated the executive and judicial functions of Assistant Commissioners of Income-tax and provided for the appointment of Appellate Assistant Commissioners of Income tax. In England, the Commissioner of Income-tax is under the Board of Inland Revenue. In India, the Commissioner of Income-tax is under the Central Board of Revenue. That is as it should be. So, Sir, it stands to reason that Appellate Assistant Commissioners must be under the Central Board of Revenue. The Appellate Assistant Commissioners have worked very satisfactorily. They are men of the highest probability with judicial training and a knowledge of law.

**Pandit Lakshmi Kanta Maltra** (Presidency Division Non Muham-madan Rural) Are you talking of the Indian officers?

**Dr. R. D. Dalal** Yes. They are not only Bachelors of Commerce with G D A qualification but they are also Bachelors of Law. Moreover, they have specialised in this work for years. The great majority of income-tax appeals are settled in the Department itself by Appellate Assistant Commissioners, and there are very few appeals from their decisions. There is no reason to suppose that Appellate Assistant Commissioners do not dispose of income tax appeals impartially. The consensus of public opinion has been against ousting the jurisdiction of the High Courts for dealing with income-tax appeals on both points of fact and questions of law. Therefore, I am strongly of opinion that Appellate Tribunals should be abolished. An Appellate Tribunal is a poor substitute for the High Court, and a poor solace to an aggrieved assessee. In order to ensure absolute fairness and an impartial administration of justice to an assessee, the highest court of justice should be available to him, the judicial ability and independence of which constitute the greatest possible guarantee for the principles of justice and equity in the interpretation of law, and intricate questions of law should be referred to the Federal Court or to the Privy Council.

Sir, I oppose the Resolution.

**The Honourable Sir Jeremy Raisman** (Finance Member) Sir, it is a melancholy task at a time like the present and against the background of contemporary events to have to deal with something like a concerted attack on the income-tax administration on which falls so vital and burdensome a duty in this time of national crisis. I cannot help being filled with envious thoughts when I recall stories of income tax offices in more fortunate places being besieged by impatient taxpayers clamouring to make their contribution to the sinews of war. Instead, I seem to be faced with something like a revolt of the down-trodden super tax payer or a mutiny of the maltreated millionaires. However, I suppose I must take the environment as I find it. But there is one point which I must make clear beyond a shadow of doubt. The organized protest from Calcutta which has culminated in this motion in this House was made at a time when the income tax authorities had come to the conclusion that they had discovered a very serious case of evasion on a large scale and they were taking steps not merely to assess a large sum which had escaped tax but also to launch certain criminal proceedings.

Now, Sir, in the first telegrams of protest which were sent to me from Calcutta, the individual case to which I have referred was mentioned by name. I am sure the House will agree with me that it is quite intolerable for a Government at any time, and, particularly, at the present time, to be deterred by demonstrations from administering the law and I must make it clear that however powerful and wealthy the offender in this class of cases may be, I am not prepared to yield to organized pressure or to allow my officers to be brow-beaten. I have, however, been assured that the simultaneous occurrence of these events was largely a matter of coincidence and that I should not allow, I have been asked not to allow that fact to prejudice my mind in dealing with the redress of grievances which can be established. I am fully prepared to accede to that request, but I will only

say that the occasion for the organised demonstration and protest was singularly ill-chosen on the part of the community in question, since it was bound to give the impression that an attempt was being made to deter the Government from pursuing the processes of law in a case in which they had reason to believe that an individual had rendered himself liable to prosecution

With those remarks, I will now exclude that aspect entirely from my consideration of the matters before us. The grievances detailed in this Resolution were, under my instructions, actually discussed with the Member of the Central Board of Revenue and his Officers at a joint meeting of the Indian Chamber of Commerce in Calcutta last December. So far, this debate has proceeded on the assumption that nothing has been done as a result of that meeting to redress those grievances. That this is an unfounded assumption, I will show in dealing with the various items in the Resolution. But I will say now that circular instructions have been issued on most of the points dealt with in the Resolution and that the Joint Chambers have, in a letter dated the 26th January, written to the Member of the Central Board of Revenue saying "the Chambers highly appreciate your action in issuing these timely circulars". I think the Honourable the Mover of this Resolution might, at least, have referred to the fact that certain action of a remedial nature has already been taken in regard to the eight points of his motion.

Coming now to the items in the Resolution, I entirely agree that there should be no racial discrimination in the treatment of the assesses. I say that without any qualification. This issue was raised directly by the allotment of cases to the Central Charge at Calcutta. Well Sir, I am quite convinced that the question of racial discrimination never entered the heads of the income tax authorities at the time they made the allotment of these cases. I may say that on me, personally, in addition to the unsatisfactory impression which I received from the coincidence of the agitation with the case I have mentioned, the fact that racial discrimination was urged made me think that the agitation was a bogus one because I was quite certain that neither I nor any of my Officers had at any stage given the slightest reason for my subordinate to think that they should proceed on any such basis. What is more, the Officer chosen to administer this charge was an Indian, most of the staff were Indians, and I cannot see how they should have conceived the idea that they would please me or the Central Board of Revenue or anybody by proceeding on the basis of racial discrimination. Now, Sir, I am prepared to admit that the first cases they took up were cases of Indian assesses.

**Sir Abdul Halim Ghuznavi** (Dacca cum Mymensingh Muhimmadsan Rural) 400 cases

**The Honourable Sir Jeremy Baisman:** and not one European. It is a perfectly simple matter and it has since been rectified. It is a perfectly easy matter to meet a charge of that kind and in my opinion it proves the point beyond doubt, for if the Officer in question, if the authorities had any idea of proceeding on the basis of racial discrimination, they would not have been so foolish as to choose 400 Indian cases if that had entered their minds they could simply have included a certain number of European cases and that as a matter of fact has been done.

[Sir Jeremy Raisman]

Now, I will explain our policy as regards the Central Charges when dealing with the third item of the Resolution. I must emphasise here that it is entirely wrong to suggest that the transfer of any case to the central charge means that fraud is suspected in that case. My Honourable friend, Sir Cowasji Jehangir, says, that his case is dealt with by the Central Charge in Bombay. I am sure that he needs no assurance from me that we do not suspect fraud in his case. The second item in the Resolution deals with the appellate machinery. My Honourable friend, Pandit Lakshmi Kanta Maatra, went so far as to say that the appellate authorities were ineffective, that they were not designed to give the relief expected and that they were set up merely as a sort of make-believe. I can dispose of these allegations very shortly and effectively by quoting actual figures. In 1939-40, 25,615 appeals were filed of which 12,001 were successful, that is nearly 50 per cent. In 1940-41, 27,812 appeals were filed of which 13,157 were successful, again nearly 50 per cent. In addition, in 1939-40 the Commissioners under their own powers gave relief in nearly twelve hundred cases, and in 1940-41 in over fourteen hundred cases. I submit, Sir, that those facts alone dispose entirely of any suggestion that this appellate machinery is a mere facade, that it is not intended to carry out its functions and that it does not do so. I submit that the proportion of successful cases is as high as, if not higher than, the proportion in any kind of judicial process.

While I am dealing with this question of the relief given by the appellate authorities, I would like to refer to the results of income tax cases referred to the various High Courts. If, as is alleged, the income-tax authorities from the Income tax Officer upwards were high handed and habitually twisted the law against the assessee, we should expect to find some evidence of this in the results of the cases decided by the High Courts. Here are the figures. In 1939-40 there were 153 references of which 42 were successful, and in 1940-41 there were 42 references of which only 7 were successful. I submit, there again, these figures speak for themselves. These are points of law, points of genuine doubt, which come before the highest tribunals, and the decisions of the High Courts, in my opinion, amply bear out our claim that our officers do work in a reasonable manner.

**Pandit Lakshmi Kanta Maatra.** The High Courts cannot discuss questions of fact, they can discuss only questions of law.

**The Honourable Sir Jeremy Raisman.** Yes, Sir, but one of the points of this motion is that the law should be interpreted in favour of the assessee. It is suggested that our interpretation of points of law is habitually wrong and unfavourable to the assessee, there is a suggestion of that kind, and my only point is to show that in the final result when these things come before the highest tribunal, we are wrong in no larger proportion of cases than one would expect any honest, genuine and sincere-minded administration to be wrong on questions on which, after all, human minds will come to different conclusions.

I am not prepared to concede the demand that Appellate Assistant Commissioners should be put under some other department of the Government of India. There are obvious complications about such a proposal.

which I do not propose to go into now. But it is not really a practical proposition and, moreover, the figures which I have given above do not bear out the accusation that these officers are not giving appellants a fair deal. But in order to remove from the minds of the Appellate Assistant Commissioners any impression they might have that their prospects in the department depend on the extent to which they uphold assessments, the Central Board of Revenue have issued general instructions to them as follows:

- “(a) that they are not to seek the advice of the Board of Revenue on any point arising in cases before them,
- (b) that they should make their decisions to the best of their judgment,
- (c) that their promotion and prospects will not depend on whether their decisions go against the revenue or not.”

I do not think that this allegation could be disposed of any more categorically than it is by the issue of these instructions to the officers concerned.

As regards the point made by my Honourable friend, Sir Abdul Halim Ghuznavi, regarding the lower emoluments of certain Appellate Assistant Commissioners as compared with Inspecting Assistant Commissioners, I am having this examined with a view to putting it right, but that matter only affects a few officers.

As regards the Appellate Tribunal, this is a matter which I shall be happy to discuss with my Honourable Colleague. I think that the difficulties which may arise in transferring this Tribunal to his charge are not likely to be greater on my side than on his. That is all I will say on this point.

**Dr. R. D. Dalal:** Sir, may I ask a question? Have these Appellate Tribunals proved satisfactory during these last two years?

**The Honourable Sir Jeremy Raisman:** I do not know what the Honourable Member means by ‘satisfactory’, I have not got statistics before me.

**Dr. R. D. Dalal:** The public have no faith in the Appellate Tribunals, so far as I know.

**The Honourable Sir Jeremy Raisman:** That is a vague statement. I am prepared to discuss this whole matter of the Appellate Tribunal with my Honourable Colleague, the Law Member. I have heard these allegations made, and I believe myself that they constitute unjustified reflections on a body of capable and efficient officers, but I am prepared to discuss with the Honourable the Law Member whether anything can be done to improve matters and to convey a greater sense of confidence to the tax-paying public.

We now come to the third item, the abolition of the Central Charges which is, according to my Honourable friend, Mr. Bayoria, the main bone of contention. The attack in regard to this item has been based on the speech made by my predecessor, Sir James Grigg, on the 30th November, 1938, in the debate on the Income-tax Amendment Bill. I have no doubt at all, and I hope to satisfy the House on that point, that in that speech Sir James Grigg, clear-minded as he was, did actually confuse the work which was to be done in the office of the Central Board of Revenue with

[Sir Jeremy Raisman]

the work which was to be done by the Central Commissioners. It was always intended, and it is in fact being done, that insurance cases and penalty cases should be dealt with in the Central Board of Revenue. These are cases where the only question is uniformity of treatment throughout India. The Board can and does deal with these without having to trouble the assessees to appear before them. But special investigation cases, whether they be fraud cases or not, are on an entirely different footing. They have to be investigated on the spot where the assessees are and where he keeps his accounts.

If Honourable Members will reflect for a moment they will realise how absurd it would be to establish three Commissioners of Income-tax at the headquarters of the Government of India investigating cases from all over the country. The scheme for these Central Charges of which we now have two, one at Bombay and one at Calcutta, was approved by Sir James Grigg in September, 1938, long before he made the speech referred to, at the end of November. Orders creating a special investigation branch at Bombay were issued in October, 1938, and the late Mr Bird was put in charge of it. When the Income-tax Amendment Act came into force on the 1st April, 1939, Mr Bird, again with the knowledge and approval of Sir James Grigg, was made one of the Central Commissioners whom the Central Government was given power to appoint under section 5(2) of the Income tax Act as amended. Now, I am quite sure that Sir James Grigg did not think that he was, in agreeing with these proposals, resiling from anything he had said in the debate on the 30th November, 1938, and I am equally sure that until the point was raised recently in Calcutta nobody else thought that Government had violated their assurances as regards these Central Commissioners. In the *Hindustan Times* of the 12th January, 1939, there appeared some paragraphs dealing with the special investigation branch at Bombay in which the provisions of section 5(2) authorising the Central Government to appoint Central Commissioners were referred to. It was also stated that the head of the branch was to be Mr Bird, and that he was to be given the status of Income tax Commissioner. The only protest evoked by this announcement in the papers was not the protest now made that the establishment of a special investigation branch at Bombay was contrary to the assurances given by Sir James Grigg, but the protest against the appointment of Mr Bird, a European Civilian, to take charge of it.

The Indian Merchants' Chamber of Bombay, for example, in a telegram to the Government of India, said

"If such officer is to be appointed a Special Commissioner in Bombay or elsewhere in respect of the assurance given, because he belongs to the I.C.S. the object of the creation of these responsible posts will be frustrated. The Committee beg therefore, to protest against the proposed appointment and to hope that such special Commissioners will be appointed from the cadre of trained and experienced Assistant Commissioners."

The paragraphs in the *Hindustan Times* to which I have referred also contained the following statement as to the work of the new Branch

"This Branch is expected to deal with cases of an unusually difficult nature or large cases in which under assessment from one cause or other is suspected."

No one protested either then or for the next three years that this was a violation of the assurance given by Sir James Grigg in the debate on the 30th November, 1938. It is quite clear I submit, Sir, that Sir

James Grigg himself within a short time, within almost a few days of making those speeches in this House, proceeded to make an appointment of this kind and whatever criticism may have been levelled against Sir James Grigg, I do not think it has ever been suggested that he was not in the fullest sense of those words an absolutely honest man. If Sir James Grigg said something it is absolutely certain that he meant to do it and that he did not forget what he meant to do. Sir Abdul Halim Ghuznavi concluded to his own satisfaction that only cases of fraud and suspected fraud are transferred to the Central Charges. That is not correct. The policy in regard to these charges is to transfer to them

**Sir Abdul Halim Ghuznavi.** I did not say that

**The Honourable Sir Jeremy Raisman.** difficult, important and complicated cases including cases of fraud or suspected fraud. The object of the transfer is to have these cases dealt with more thoroughly than they could be dealt with in the ordinary charges where the Income-tax Officers have to make a large number of assessments in the year and cannot devote the necessary time required for the detailed examination of important cases. The intention is that when cases have been thoroughly investigated in the Central Charge and the assessments put on a proper basis, they will be transferred back to the ordinary charges and other important cases transferred to the Central Charge in their place. Thus, it is hoped to have all important cases thoroughly scrutinized.

Before leaving the question of the Central Charges I should like to remove any impression which Honourable Members may have got from the speech of Sir Cowasji Jehangir that the Central Charge in Bombay has not been a success. The facts are otherwise. It has greatly improved our revenue results and what is more important it has effected a higher standard of accuracy in the income-tax returns submitted to the Department. If nothing else had happened, the mere setting up of that Central Charge, without anything further being done, resulted in a very different type of returns.

**Sir Abdul Halim Ghuznavi.** That is a matter of pure coincidence.

**The Honourable Sir Jeremy Raisman.** That again is, as my Honourable friend says, a matter of pure coincidence.

Now, as regards item 4, I entirely agree that these Acts should be interpreted according to the recognized judicial rule of interpretation, and I think that the figures I gave as to how our decisions fared when they came before the High Courts, show that our attitude in regard to this is no other than it should be. I am not prepared to agree that the rule is that a taxing statute is always to be interpreted absolutely in favour of the subject. I should have thought—I am not a lawyer—but I should have thought that the rule was that the taxing statute is to be interpreted strictly according to what it says and not in favour of one side or the other. It is only, as far as I am aware, where a question of genuine doubt arises, as to whether a statute has given power to the Revenue to levy certain assessment that the Court will hold that the tax-payer will go free—if there is doubt as to whether the law has effectively brought him within the liability.

[Sir Jeremy Raisman]

Now, Sir, as to item 5 I entirely agree that due regard should be given to the explanations and statements of assesseses

I come now to item 6 in regard to which my Honourable friend, Pandit Maitra, said that the attempt to realize a pre determined budget was the fountain-head of all the abuse and maladministration of the Department. Now, it seems to me to be obvious from the course of the discussion of this item that Honourable Members do not realize how any budget has to be framed. In framing the estimates we have to build them up by reference to all the local officers who are in a position to give some idea of the part for which they will be responsible. Every Income tax Officer in the country is consulted at some stage regarding the estimated amount of tax which may be expected from his charge. But this is a very different thing from saying that Income-tax Officers are expected to collect these amounts illegally if they cannot collect them legally. The Commissioner's circular to which Honourable Members referred does not bear this interpretation. I may say, incidentally, that it was issued at a stage in the year when a good deal of the assessments had already been made. Now, it is common knowledge that a considerable number of Income tax cases overflow the assessment year, that they are in effect in arrears. It is a perfectly simple and legitimate matter to say to an Income tax Officer that he should take up at a certain stage in the year cases which will enable our revenue estimates to be more closely realized, and that is an ordinary executive process to which no objection can be taken and that was the object of the Commissioner's circular. But since that circular was issued, as a result of the meeting in Calcutta the Central Board of Revenue have issued circular instructions on this point from which I will quote

*"Budget estimates* It has been alleged that when a budget estimate for his charge is communicated to the Income tax Officer he feels that he is bound to collect that amount somehow or other within the year and it is even suggested that he feels constrained to collect it illegally if he cannot collect it legally. While the Board do not believe that there is any foundation for the latter allegation, there appears to be some foundation for the complaint that the budget figure exercises too great an influence on the Income tax Officer's disposal. This reacts on the progress of work in two opposite ways

- (a) it makes the Income tax Officer rush his work towards the end of the year, or
- (b) it makes him slacken off if he has already reached his budget figure

Except that he should give precedence to cases which are likely to yield more revenue, the Income tax Officer should not be obsessed by the budget figure. He has a certain number of assessments to complete in a year and his merits will be judged by the way in which he completes those cases and not by the extent to which he has collected his budget estimate. He should, therefore, concentrate on completing his cases carefully and in good time. If he does this, the budget can take care of itself."

**Sir Henry Richardson** (Nominated Non-Official) What was the date of that?

**The Honourable Sir Jeremy Raisman:** This was issued in the middle of January, more than a month ago. It was issued before the Honourable Member made his speech.

I may say, incidentally that I should be far from content if the Income-tax Officers were to realize the budget estimates of the last year or two, because it is obvious that as incomes have been growing the



estimates which were based on the state of affairs existing roughly 18 months before the assessment were made are inadequate and, therefore, if there is any expectation, I expect at any rate that the gross results of all the assessments will be somewhat above the budget estimates. In any case, in regard to this matter, the position has been made quite clear to Income-tax Officers and I hope that this will satisfy Honourable Members.

Now, I come to item 7. Here also instructions have now been issued which I will quote.

'Complaints have been made that without any good reason income-tax officers have been worrying assesses by reopening decided questions regarding registration of firms and separation of Hindu undivided families. In so far as such inquiries are mere fishing inquiries, they are indefensible. No decision on these matters should be reopened unless some new facts have come to the income tax officer's notice indicating that the decision was wrong or unless it appears to him that the decision was based on a wrong interpretation of the law.'

I think that that disposes satisfactorily of the allegation of arbitrary action about the registration of firms or about joint Hindu families.

I now come to the last item in the Resolution which deals with audited accounts, and I am grateful for the remarks just made by my Honourable friend, Mr. Husenbhai Laljee in regard to that matter. As a general statement of what should be the normal practice, the recommendation is unexceptionable. I agree that audited accounts should be treated with great respect, that assesses with audited accounts should not be harassed unnecessarily by having to produce their account books, etc., and that the Income-tax Officer should ask only for such explanations as may be necessary for assessing the income. This question was discussed with the Member of the Central Board of Revenue at the joint meeting in Calcutta and as a result the following instructions were issued:

"Subject to the qualification that the income tax officer is free to call for books of accounts, vouchers etc. in any company case where he feels that such a course is advisable books of account vouchers etc. should not be called for either in the case of public companies or in the case of private companies where the accounts have been audited by an auditor qualified to audit a public company's accounts and he has given a certificate similar to that given in the case of a public company."

That, I think, meets this particular grievance. But Sir Abdul Halim Ghuznavi seems to think that we should tie our hands by agreeing in all cases whatsoever to accept without question any certificate that may be

**Sir Abdul Halim Ghuznavi:** I only repeated what Mr. Sheehy said in the Chamber, he agreed to what we suggested and said "you note it down." That is all I said.

**The Honourable Sir Jeremy Ralsman:** If we were to agree to that we should be delivering ourselves into the hands of an auditor and a client who had no scruples about evading.

**Mr. Husenbhai Abdullahbai Laljee:** What is the number of assesses and how many people go so far as to appoint auditors? That is the point

**The Honourable Sir Jeremy Raisman:** The point I am on is answering the complaint the grievance that even where accounts have been audited by qualified auditors certain inquiries are made. Now, I entirely agree that normally books and so on need not be called for in such cases, but what I cannot agree is that we should say here and now that the moment a qualified auditor has audited the accounts and given his certificate, any question of calling for books is entirely ruled out, because, after all, you have to deal with the possibility, human nature being what it is, that an absolute guarantee of that kind would give an opportunity to certain types of evasion.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member has already spoken for more than half an hour.

**The Honourable Sir Jeremy Raisman:** I am just finishing, Sir. The House will, therefore, realise that while I accept this recommendation as a statement of what the normal working should be, I must reserve for the income-tax authorities the right to call for accounts and to make more detailed investigations than usual in cases where evasion is suspected.

My time is up and I have said enough, I think, to show that we are prepared to remedy and are actually remedying any legitimate grievances. But, I am afraid that this will not satisfy some people. Nothing short of the abolition of income tax altogether will satisfy them. By its very nature income tax is an inquisitorial form of tax and the Income tax Officers have to ask a great many questions, sometimes awkward questions. If the object of the supporters of this Resolution is to prevent us from asking such questions, then I regret I cannot agree. The 1939-40 figures show, for example, that if we had accepted the returns of assesses, we would have lost over 25 per cent of our revenue. Moreover, our experience shows that amongst classes of people, many of them reputable businessmen who object to inquiries into their affairs evasion of tax is not unknown. We cannot, therefore, agree to a general waiving of the powers which the Act confers on us, though we are anxious to see that these powers are used so as to give assesses as little trouble and inconvenience as possible.

**Sir Abdul Halim Ghuznavi:** Sir, I am very grateful to my Honourable friend for having taken this Resolution very seriously and for having stated before us today that he will take steps in connection with whatever matters I have drawn his attention to.

I shall be very brief but I cannot allow his statement to pass without making a reply to whatever he has said. Taking points Nos. 1 and 8 together, as I did last time, what was our grievance? Our grievance was that the total wealth statements are necessary only from Indians. That is what I said. You call upon Indians only for the total wealth statement. But you do not call for the total wealth statement from Europeans. That charge has not been met.

The next point was about partnership. It was brought out that partnership cases, being complicated cases, were transferred to the Central Commissioner. I have pointed out that not only partnership firms but limited liability companies of Indians—the big liability companies of

Indians, which, according to the Central Board's opinion, were above suspicion, were also transferred to the Central Commissioner

**Mr. Huseinbhai Abdullabhai Laljee** How can they make that statement 'above suspicion' for anybody?

**Sir Abdul Halim Ghuznavi** Sir, we are not concerned with the constitution of the firm. The Income-tax Commissioner need not be concerned with the constitution of the firms, whether they are partnership or limited liability firms or otherwise, they ought to be concerned with the accounts of the firm, their reliability and accuracy, and for these matters they ought to have an audit certificate. That is the point we have raised. You do not accept the audit certificates of Indian firms, whereas you accept the audit certificates of European firms. That is our grievance. Why do you differentiate? Now, Sir, the Honourable the Finance Member said that it was never in their mind, when transferring these cases to the Central Commissioner, who happens to be an Indian I. C. S. Officer, that any discrimination was being made. Goodness gracious! During the last two years, 400 cases were transferred to the Central Department, and during all this time not even one European case was transferred, and still we are asked to believe that there was nothing in the mind of the Indian I. C. S. Central Commissioner that there was any kind of discrimination. It was only I think a coincidence. Till the 9th of December, 1941, not a single European case was transferred to the Department of the Central Commissioner. It was only when, on the 9th December, 1941, as I said, the five Indian Chambers of Commerce brought this matter before Messrs. Sheehy, Avres, Mullen and Dandekar, it struck them that a mistake had been made and a remedy should be found for it. One or two or at the most half a dozen cases have since been transferred to show that there is no discrimination. But what are these 400 cases? What did Sir James Grigg tell us on the floor of this House? I want to accept that statement as it was made here and that statement will be found in the official reports of the Legislative Assembly. He said that these Central Commissioners would be appointed to do three classes of cases, and while all these cases would not come under the category of the first two these can be only cases of fraud, as coming under the third category.

My friend, the Honourable the Finance Member, said that all this agitation started from one particular case which is pending and which is a big assessment case.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non Official) What is that case?

**Sir Abdul Halim Ghuznavi** I will not mention what that case is, it is an Income-tax case.

**Lieut.-Colonel Sir Henry Gidney** We all know it.

**Sir Abdul Halim Ghuznavi** I know you all know it. We have been pointing out these grievances for the last two years and that particular case is only one of recent occurrence. The facts of that case my friends

[Sir Abdul Halim Ghuznavi]

will hear in great detail when I shall deal with this particular Department in the Finance Bill, my Honourable friend, the Finance Member, will then hear more about the Central Board's Commissioners. That is the proper time to discuss those matters, and not on this Resolution. It will take me half a day to bring to his notice all our grievances about this matter. The whole trouble started with the appointment of the Director of Inspection which was wholly illegal. It was due to his whip-hand over the whole Department that all this trouble started. Look at what this Mr. Sitla Prasad has done, and I give not my version of him, but the version of one of the friends of the Honourable Member.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions Muhammadan Rural) We had a great complaint against him in the United Provinces and in spite of that he was appointed.

**Sir Abdul Halim Ghuznavi** I shall deal with him in the Finance Bill and not now.

**Sardar Sant Singh** (West Punjab Sikh) What is the name of his bungalow in Cawnpore?

**An Honourable Member** Are you referring to the 'Goose Bungalow'?

**Sardar Sant Singh** The name of his bungalow is 'Bribery House'.

**Sir Abdul Halim Ghuznavi** Now, let us see what this gentleman has done. That is the origin of all this trouble, and not the particular case, as my Honourable friend said. He was appointed a Director of Inspection, and he was apparently given full powers to control the Commissioners, the Assistant Commissioners and Income-tax Officers and interfere with individual cases. He started with a fishing inquiry all over India, Bombay, Calcutta and other places, and later on you will hear me about his activities when we are on the Finance Bill. Now, let us see what Mr. Mullen, the Commissioner of Bengal, himself has to say about this gentleman before the Chambers. These are his words and not mine.

*'The fact is that Mr. Sitla Prasad is, if I may call so, the 'Board's eyes'. He is in close touch with the Central Board and he may complain against any officer if he thinks that the officer is not doing his work properly.'*

In other words, Mr. Mullen says he is a terror to the officers. And a Member said "Exactly, this is the point". Now, what does Mr. Sitla Prasad do? He makes remarks on the files.

**Sir F. E. James** (Madras European) You are making a Finance Bill speech now.

**Sir Abdul Halim Ghuznavi** No, certainly not. These files go to the Appellate Assistant Commissioners with the notes on. These notes are not shown to the assessee. The Appellate Assistant Commissioner and the Income tax Officers are guided by these notes. The Appellate Assistant Commissioner knows that Sitla Prasad is not only in power but some people say that even the Central Board of Revenue is a tool in his hands. You assess a particular man so much, then what is the use of his

going up with an appeal? The notes of Shitla Prasad are there, and if the Appellate Assistant Commissioner does not act according to the notes, then his job is lost. That is exactly what Mr Mullen said.

"The Appellate Assistant Commissioner knows that Shitla Prasad is not only in power but some people say that even the Central Board of Revenue is a tool in his hands."

Then, Sir, I will come to what Mr Mullen said, "You have put your point very clearly indeed. I shall put it to the Central Board of Revenue."

Now, Sir, my Honourable friend dealt with the estimated budget and said that as soon as it was brought to notice,

**Dr. Sir Ziauddin Ahmad** May I know whether the Government have prosecuted him?

**Sir Abdul Halim Ghuznavi.** Not yet.

**Mr Muhammad Nauman** (Patna and Chota Nagpur *cum* Orissa Muhammadan) Are Government contemplating to prosecute this gentleman?

**Sir Abdul Halim Ghuznavi.** My friend has already read out the circular which I wanted to read, but let me tell him that Mr Sheehy had not the information on that day, i.e. on the 9th of December, that the circular, I mentioned, did exist. If he knew that that circular was in existence on that day, or if he knew that we had a copy of that circular, I am sure he or the Central Board of Revenue would never have issued the circular which he has placed before this House. What is the point that we raised before Mr Sheehy in our memorandum? Mr Sheehy says

I begin with paragraph 3 of the memorandum in which a reference is made to the Budget. The memorandum gives an impression that the amount of tax which is to be collected is fixed beforehand according to a Budget, and that we collect irrespective of whether the assessment is just or not. I may tell you that the Central Board of Revenue have not issued any such instruction and I am prepared to meet your wishes and issue a circular clarifying the matter. In fact, we never talk about the revenue amount that has to be collected and so far as I am aware no such practice is being followed."

I am sure that Mr Sheehy had not the knowledge that we possessed a copy of the circular which I shall once more read now, otherwise that circular would not have been issued. That is not the explanation of the circular that I have referred to. This is the Commissioner of Bengal's confidential circular.

"The net revised estimates for 1941-42

**The Honourable Sir Jeremy Ratsman.** Revised estimates.

**Sir Abdul Halim Ghuznavi.** Yes, revised estimates. Revised—it brings out the point more clearly—that you want more money. Revision compels him to collect more.

"The net revised estimates for 1941-42 for the Province as a whole as furnished by the I. A. Cs. amounted to Rs. 12,58,00,000."

He has not specified the amount. He wants more, and what does he say?

"As in my opinion, this figure was too low I have raised it."

By a stroke of the pen and not going into any details of the assessments and so on, he says, "I want one crore more. Find that one crore more and give me Rs. 13,87,80,000." That is the circular. Then he gives the percentage under the different heads, Surcharge, Excess Profits Tax, and

[Sir Abdul Halim Ghuznavi]

ordinary collections, in order to enable the collection of one crore more. Still, this House is told "We never interfere with the Income-tax officers in assessing an assessee." They are not told as to the budget amount, but here a circular exists. He never says, "Collect this money." He says, "I want an excess figure beyond what the original estimate says."

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member's time is up

**Sir Abdul Halim Ghuznavi** I will only take one minute more. We were told that Sir James Grigg had long before arranged for these Central Commissioners. I believe I am not wrong when I say that when the Central Commissioner was appointed in Bombay, one of the assessee's refused to produce the books before him as he contended that the Central Commissioner's appointment was illegal. "You have no right. The Act does not provide for your appointment. You have no right to call upon me to produce my books and my accounts." What was the result? By a notification, by an Ordinance, that was rectified by the Governor General. I shall read that. That rectified the error that the appointment was illegal.

**Mr P J Griffiths** (Assam European) Don't you like errors to be rectified?

**Sir Abdul Halim Ghuznavi** There was no legal appointment. He was not legally appointed.

**The Honourable Sir Jeremy Raisman** I thought you were going to read the notification?

**Sir Abdul Halim Ghuznavi** I shall read the notification.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member need not read the whole of it if it is a lengthy document.

**Sir Abdul Halim Ghuznavi** I should like to know if the Honourable Member denies that there was any such promulgation by the Governor General—either a notification or an Ordinance.

**The Honourable Sir Jeremy Raisman** I have not denied anything. I simply do not know to what the Honourable Member is referring.

**Sir Abdul Halim Ghuznavi** I think I have made it clear that the appointment of the Central Commissioners, in the manner you have done it, was illegal. They were meant to be in the Central Board of Revenue, according to Sir James Grigg, and not in the provinces.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member's time is up.

(Sir Abdul Halim Ghuznavi resumed his seat)

The question is

"That this Assembly is of the opinion that the administration of the Income-tax Department has caused and is causing great discontent among the Indian assessee's all over India and recommends to the Governor General in Council that, in order

to redress their grievances, action on the following lines be immediately taken, namely

- 1 that Indian assesses and European assesses be in every way treated in exactly the same manner,
- 2 that the Appellate Assistant Commissioners and the Appellate Tribunal be placed under the control of the Law Department of the Government of India or of the Federal Court instead of the Finance Department,
- 3 that the Central Department in Calcutta and Bombay be forthwith abolished,
- 4 that the Income tax Act and the Excess Profits Tax Act be in their application interpreted according to the recognized judicial rule of interpretation, i.e., a fiscal law should be interpreted in favour of the subject,
- 5 that explanations given by the assessee and statements of fact made by him be treated with due regard,
- 6 that the Income tax Officers be not expected to realise tax according to predetermined budget,
- 7 that no arbitrary action be taken about the registration of firms or about the separation or jointness of families,
- 8 that accounts audited by qualified auditors be treated with the utmost respect and assesses be not harassed by calling for Books of Account etc., and such explanations only as may be necessary for the assessment of income may be asked.

The Assembly divided.

#### AYES 19

Abdoola Haroon, Seth Haji Sir  
 Abdullah Mr H M  
 Azhar Ali, Mr Muhammad  
 Banerjee, Dr P N  
 Dam, Mr Ananga Mohan  
 Datta, Mr Akhil Chandra  
 Deshmukh, Mr Govind V  
 Essak Sait, Mr H A Sathai H  
 Ghiasuddin, Mi M  
 Ghuznavi, Sir Abdul Halim

Lalchand Navahi, Mr  
 Maitra, Pandit Lakshmi Kanta  
 Mehta, Mr Jammadas M  
 Muhammad Ahmad Kizmi, Q1/1  
 Nauman, Mr Muhammad  
 Neogy, Mr K C  
 Parma Nand, Bhai  
 Sant Singh, Sardar  
 Ziauddin Ahmad, Dr Sir

#### NOES 41

Ahmad Nawaz Khan, Major Nawab  
 Sir  
 Aiyar, Mr T S Sankara  
 Aney, The Honourable Mr M S  
 Bewoor, Sir Gurunath  
 Bhandarkar, Mr K Y  
 Caroe, Mr O K  
 Clow, The Honourable Sir Andrew  
 Dalal Dr R D  
 Deheja, Mr V T  
 Dumasia, Mr N M  
 Gidney, Lieut Colonel Sir Henry  
 Gopalaswami, Mr R A  
 Griffiths, Mr P J  
 Gwilt, Mr E L C  
 Ikramullah, Mi Muhammad  
 Imam, Mr Sa'id Haider  
 Ismail Ali Khan, Kunwar Hajee  
 James Sir F E  
 Joshi, Mr N M  
 Kamaluddin Ahmed, Shams ul-Ulema  
 Khurshid, Mr M  
 Kushalpal Singh Raja Bahadur  
 Lalce, Mr Husenbhai Abdullahbhai

Lawson, Mi C P  
 Manavedan, Raja T  
 Maxwell, The Honourable Sir  
 Reginald  
 Miller, Mr C C  
 Mody, The Honourable Sir H P  
 Muzazzam Sahib Binadun, Mr  
 Muhammad  
 Mudhaliar, The Honourable Diwan  
 Binadun Sir A Ramaswami  
 Pillay Mr T S S  
 Piron, Mr H C  
 Raisman, The Honourable Sir Jeremy  
 Richardson, Sir Henry  
 Saiker, The Honourable Mr N R  
 Scott, Mr J Ramsay  
 Shikhan Khari Bahadur Mian  
 Ghulam Kadu Muhammad  
 Spence Sir George  
 Stokes, Mr H G  
 Sultan Ahmed, The Honourable Sir  
 Thakur Singh, Captain

The motion was negatived

**RESOLUTION RE APPOINTMENT OF A COMMITTEE TO ENQUIRE  
INTO THE INCIDENTS DURING THE MARTYRDOM DAY  
CELEBRATIONS AT DELHI**

**Mr President** (The Honourable Sir Abdur Rahim) Next Resolution  
Dr P N Banerjee

**Sardar Sant Singh** (West Punjab Sikh) May I submit that I have got written authority from Dr Banerjee to move this Resolution. He is not present here.

(At this stage, Sardar Sant Singh handed over the written authority.)

**Mr President** (The Honourable Sir Abdur Rahim) Sardar Sant Singh

**Sardar Sant Singh** Sir, I move

"That this Assembly recommends to the Governor General in Council to appoint a Committee consisting of Members of this House with a majority of Non Official Members in it to make a public enquiry into the incidents connected with the unprovoked assault by the police on the religious congregation of the Sikhs at Delhi on the occasion of the

(Here I would correct "birthday" into "martyrdom day" because it was not birthday.)

martyrdom day celebrations of Guru Teg Bahadur in November 1941, in the course of which a cowardly attack was made on ladies and children present in the congregation and tear gas was used, with instructions to report on the responsibility of the officers guilty of those acts."

In moving this Resolution I want to plead at the bar of this House about the very unpleasant incidents that have taken place in Delhi. After giving the details of the incident and acquainting Honourable Members of what happened there, I would like Honourable Members to note that I do not regard this Resolution to be an ordinary Resolution depending upon the ballot or vote of this House. What I will submit is that a very serious view of the situation should be taken by the Honourable Members.

The facts of this incident are that on 23rd November, 1941, fell the martyrdom day of our Ninth Guru, Guru Teg Bahadur. Most of the Honourable Members are aware that in Chandni Chowk we have got a Gurdwara where Guru Teg Bahadur was martyred at the instance of the then Mughal Government. Annually, this day is celebrated in the Gurdwara and the grounds opposite the Gurdwara are known as the Gandhi grounds. For several years there has been a competition, a tug-of-war going on between the Police authorities and the Sikh community in charge of the management of the Gurdwara as regards the licence being taken for permission to take out a procession on that day. On account of this war and the difficult situation with which the authorities are faced in this country, the Shromani Gurdwara Prabandhak Committee of Amritsar has issued instructions to all the local bodies in all places in the Punjab asking them not to do anything which brings them in clash with the established administration of any province. I hope Honourable Members will appreciate this point of view of the Sikh community, and with this background I will proceed to describe the events.

The local Gurdwara Prabandhak Committee, whose President is a most respected and also a very respectable gentleman, Sardar Bahadur Sardar



Ranjit Singh, applied for the licence on the 17th November, 1941, that is to say, about a week earlier when the celebration day was to come up. The licence was to be issued in the name of Sardar Bahadur Ranjit Singh, the President of the Gurdwara Committee. The authorities issued the licence with conditions mentioned therein. I really fail to understand and I have failed to understand in the past too why such conditions should be entered in a licence which is intended for taking out a religious procession and where no politics are to be discussed. The conditions were unacceptable to the Sikhs and when the licence came to be considered in the executive committee of the Gurdwara it was decided that those conditions should not be accepted. As it was an unnecessary provocation given to the Sikh community in spite of their intention to respect the law of the land, the Gurdwara Committee naturally felt provoked and passed a resolution that they would defy the conditions in the licence. That was on the 20th November, 1941. The conditions were to the effect that the procession was to be taken out in a particular route and was to be finished at a particular time. It was not to pass before the mosques and so on and so forth. But I am not concerned with the conditions. I will presently show that this was merely a pretence of show which the Bureaucracy in this country employs by setting one community against the other. There was absolutely no objection taken by the Muslim community and I fail to understand why the name of the Muslim community should have been mentioned in the licence. I will presently read the communiqué that was issued by the Government to this effect. However, the point is this. As the resolution of the Gurdwara Committee will find a prominent place in the reply of the Honourable the Home Member on this Resolution, I want to state it before the House that on the 20th November, 1941, the Sikhs decided to defy these conditions. There is no doubt about it. Later on the situation developed. The authorities stood on their prestige and the Sikh community stood on its own prestige. So, on the night between the 22nd and the 23rd November, 1941, a communiqué was issued by the Government, and that communiqué is very interesting. In this Press Communiqué, the District Magistrate states

"Whereas a licence was granted by the Senior Superintendent of Police under section 30 of the Police Act V of 1861 at the request of the Gurdwara Prabandhak Committee, Sisganj, to form a procession on November 23, 1941 in commemoration of the martyrdom of the 9th Sikh Guru Guru Tegh Bahadur

And whereas the said committee, by a resolution passed on November 20, 1941, declared its intention to ignore the conditions of the licence

And whereas this intention, if performed would be likely to occasion a disturbance of the public tranquillity

And whereas immediate prevention is desirable

Now therefore I H J Evans, District Magistrate of Delhi do hereby under section 144 of the Criminal Procedure Code, prohibit the taking out of the said procession, as also the assemblage of more than ten persons in a public place, within the limits of the Delhi Municipality."

Now the important portion of this communiqué which I want to emphasise is the taking out of such a procession. One can understand that and also the assemblage of more than ten persons in a public place within the limits of the Delhi Municipality. The communiqué further said

"This order shall not apply to marriage or funeral processions, or gatherings in a recognised place of worship."

[Sardar Sant Singh]

That may be noted

"It is further ordered that within the limits of the Delhi Municipality no person shall carry any firearm, lathi, or sharp edged weapon in any public thoroughfare."

Now, this order passed under section 144 is intended, and the Honourable the Home Member will excuse me if I go further and say deliberately intended to provoke the Sikh community to defy this order. The deliberate provocation lies in two things. They knew perfectly well that the religious gathering takes place on the Gandhi grounds, and, therefore, they prohibited the use of the public place within the Delhi Municipality. In the second place, the authorities knew—and if they did not know it, it is a sad commentary upon their knowledge—that the Sikhs generally and particularly on this occasion carry the Kirpan with them, which is their religious symbol. This order prohibited the carrying of a sharp edged weapon. What does it mean? What was intended thereby? The intention was clear. They knew that the Sikhs shall come and clash with the Government authorities whether they wished it or not. The Sikhs may try to avoid the clash from whatever motive it may be, but the authorities in Delhi, without any imagination and without any vision, were determined to come into clash with the Sikh community. This order acted as adding insult to the injury to the Sikh community. I wonder whether the sister communities, the Hindus and the Muslims, will stand this interference in the observation of their religious festivals. I understand that if this treatment is meted out to the Sikhs today, it will come in its due course to the Muslims and the Hindus tomorrow. It did come to the Hindus at Bhagalpur, and the Muslims too may not remain safe from the operation of such a damnable, abhorrent treatment which the British bureaucracy could mete out to the Sikh community.

This order under section 144 was a deliberate insult to the Sikh community; it was a provocation given to the Sikh community to come into clash with the British authorities in Delhi. This is happening in the capital town of Delhi. We expect that the authorities who hold charge as District Magistrates or Superintendent of Police should be of a character who possess vision and imagination of a different sort from what we found exhibited in Delhi. Later on I will describe to you what happened. The result was that after the issue of this order under section 144, the Sikhs decided to negotiate with the authorities on some reasonable terms so that the celebration might not be prevented. A deputation of men of approved loyalty—the Honourable Sardar Bahadur Sardar Sobha Singh, a Member of the Council of State, Sardar Bahadur Sardar Ranjit Singh, Sardar Bahadur Sardar Buta Singh, Ru Bahadur Basaka Singh, all title holders on the approved list of the Government, men of approved loyalty were sent to negotiate with the authorities. Before anything came out of those negotiations, we find a man, a Superintendent of Police, whose name should have been sufficient to be sent to a better front against the Germans, whose name is Mr Kilburn—a combination of 'kill' and 'burn'—we find this gentleman going with a timid and mild Magistrate and making a cordon round the congregation where the religious worship is going on, lectures were being delivered, sermons were being delivered, bhajans and hymns were being sung. Round this congregation the Superintendent of Police throws a cordon of mounted police. The procession was to be taken at 2 p.m. The time passed without any procession being taken. It was to

be taken on the 22nd December. The time passed, but yet no procession was taken. If I do not agree to give up the procession, I have to agree to the conditions laid down in the licence. The Sikh community gave up the procession, because they could not agree to the terms of the licence. However according to the report in the *Hindustan Times*, some Intelligence Department member of the Government of India sent a report saying the Sikhs are still thinking of taking out a procession.

**An Honourable Member** Did the Honourable Member say 'intelligent' member?

**Sardar Sant Singh** It was a member of the Intelligence Department. If they were intelligent members, they would not have blundered in the way they have been doing for a long time. That member reported that the Sikhs were contemplating to take out a procession. Now everybody who is acquainted with the Sikh methods of doing things know that to take out the Holy Granth, they prepare a *phalki* and it takes at least a couple of hours to make it ready. This subordinate's report is taken as the gospel truth and immediately a cordon is put round the congregation. Instead of waiting for those gentlemen who had gone on a deputation to the District Magistrate, the mounted police immediately begins to use tear gas and they go near the place where the Granth Sahib is placed and where ladies and children were seated. These ladies belong to the highest families in this town.

**Mr N M Joshi** (Nominated Non Official) Why do you say 'highest families'? Do you mean to say that ladies of poor families could be treated in any way? Why do you make difference between 'high' and 'low' families?

**Sardar Sant Singh** I am just saying it to emphasise my point. You, as a leader representing labour, may not like it. I just want to emphasise my point by saying that ladies of the highest respectability and their children were assembled near the Granth Sahib and they were trampled under the hoof of the mounted police. I have no quarrel with my Honourable friend when he said the other day that only one child died. I know two children died. But this is a minor aspect of the case. Even if one child died who is the murderer? Has he been brought to book so far? No. One child admittedly died. Tear gas of about 300 rounds were fired. If Honourable Members want to see the specimen of tear gas, I will place them in the lobby. I have got them with me just to show what it is. Because the Honourable the President has prohibited its being exhibited inside the Chamber. I will show it in the lobby. These tear gas containers were let loose and even the Holy Granth did not escape. Its cover was charred. If a capital of Delhi, a small community like the Sikhs cannot celebrate religious festivals without let or hindrance, I can only say we have come to poor times. We have come to times when the whole administration requires to be revolutionarily overhauled. These gentlemen who are sitting on the Treasury Benches will have to vacate their place and give place to better men.

**An Honourable Member** What do you mean by 'revolutionarily overhauled'?

**Sardar Sant Singh.** You can refer to a dictionary. It has come to this, that a religious congregation cannot be held in the capital of India. I wonder what example you are setting to mufassil towns.

Now, I proceed with the description. Later on, when the controversy was raised on this point about the conditions of licence, it was contended that the conditions of the licence were the usual conditions, that they were not extraordinary for that year. That was the contention. We find this gentleman, Mr Kilburn, writing to the *Hindustan Times* a letter in which he stated as follows. I do not read the whole letter.

'It is stated that the Diwan was held in Queen's Gardens to consider the situation created by the imposition of certain new conditions on the procession to be taken out in celebration of the martyrdom of Guru Tegh Bahadur. This shows a misapprehension as in point of fact the licence which I issued on receipt of a request from the Gurdwara Prabandhak Committee, Delhi, was identical in all respects with the licence accepted by the Committee in 1940 with the sole exception that the date of the procession and the name of the person to whom the licence was granted were different.'

It immediately elicited a reply from the Secretary of the Gurdwara Prabandhak Committee. He said:

'A licence with almost similar conditions was offered in 1939 and was not accepted and a procession was taken out as usual. In 1940 an unconditional licence was shown. Even if some conditions were imposed in some licence issued to some dummy the public are not aware of it, and the procession was taken out as usual, and absolutely nothing untoward happened.'

This shows another important thing, that the bureaucracy is in the habit of issuing a licence in the name of a dummy when the responsible persons in the Committee do not accept the conditions of the licence. And, even so, they did take out the licence. I am not dealing with that aspect of the case because that is alien to my point. What I say is that a licence with conditions was issued in 1939. It was rejected and no enforcement was made. Then, in 1940 a licence was issued and was not accepted, a procession was taken out in spite of the conditions of the licence and the authorities said that the breach of the peace and tranquillity of Delhi was narrowly averted. That is in the communique.

**Qazi Muhammad Ahmad Kazmi** (Meerut Division, Muhammadan Rural) Averted by Sikhs or by Government?

**Sardar Sant Singh.** I do not know, they do not say. If in the past history of the celebration of this particular day breach of the peace never occurred, may I ask what data Government had to presume that this year the peace would be disturbed? Then, in the communique there is a tone which is hardly in tune with the present times but rather in tune with the old policy of divide and rule. They say:

'The circumstances in which the order has been issued are as follows. It has been customary for the Sikhs to take out a procession annually in Delhi in commemoration of Guru Tegh Bahadur who was put to death in the reign of the Emperor Aurangzeb, the procession starting from the Sisganj Gurdwara at Chandni Chowk and terminating at the Rakabganj Gurdwara at New Delhi. For some years

past the behaviour of certain elements in the procession which has to pass a number of mosques"—

Here you see how the thin end of the wedge, the communal difference, is introduced,—

has been a cause of concern to the authorities, and in 1938 and again in 1939 an outbreak of communal rioting was narrowly averted. It may be mentioned that after the celebration of 1939 some of the most unruly members of the procession were prosecuted and convicted under the Police Act, 1861 "

What was this conviction? So far as I know—and I am subject to correction if I am wrong,—this was not a prosecution for breach of the peace or for committing any offence under the Indian Penal Code, but only for breaking the conditions of the licence itself which has no connection with breach of the peace. If under section 80 of the Police Act you ask me to take out a licence and I refuse to take it out and you prosecute me under the Police Act, that has nothing to do with breach of the peace or committing an offence. So these prosecutions under the Police Act had no connection with any breach of the peace. Further on, the same policy of setting one community against another is continued. The communique goes on to say

"To avoid a repetition of these incidents the authorities in 1940 examined the form of the licence issued for the procession and included in it instructions regarding the timings, framing these in such a way that while there should be no interference with the normal speed of the procession the times of its passage past the various mosques and other critical points on the route should be known in advance "

As soon as this communique was issued, the Sikhs very wisely issued a big poster assuring the Muslim community that they did not intend to injure the feelings of the Muslim or any other community. Considering that there has been no breach of the peace in the past, considering that immediately this insidious propaganda was made by Government in this communique of setting the Muslims against the Sikhs, the Sikhs counteracted this by saying that they did not intend to hurt the feelings of the Muslims and would not sing hymns or play music before the mosques, the point becomes very clear

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member's time is up

**Sardar Sant Singh** Very well, Sir. I had a good many things to say but I will say one or two things about this Mr Kilburn. He is a man of a violent disposition which will be proved by this fact that once while he was posted in Montgomery District where he was Superintendent of Police he went to a rest house to stop there for the night, and when he found the doors closed he was so upset that he hit the window with his fist, and next day appeared with his fist all dressed and bandaged! This is the kind of man we have in the capital city of Delhi. Why is he not sent to Sumatra and Java where he can show his powers? Delhi is not the place for such a man, and Government must take a strong view of this matter. I will deal with this in my reply when I have heard the Government version. It is easy for the Honourable Member to make out a reply on behalf of Government. In the courts of law both sides to a case can make out a plausible case, but this is a religious affair, a thing of a spiritual nature which is higher than a temporal matter. And I will appeal to him that consistently with his own name of "Makes-well" as opposed to "Kill-burn", he will see that justice is done to the Sikh community and their injured feelings are soothed. Sir, I move

**Mr President** (The Honourable Sir Abdur Rahim) Resolution moved

'That this Assembly recommends to the Governor General in Council to appoint a Committee consisting of members of this House with a majority of non-official members in it to make a public enquiry into the incidents connected with the unprovoked assault by the police on the religious congregation of the Sikhs at Delhi, on the occasion of the martyrdom day celebrations of Gurm Tegh Bahadur in November, 1941 in the course of which a cowardly attack was made on ladies and children present in the congregation and tear gas was used, with instructions to report on the responsibility of the officers guilty of those acts'

**Mr Lalchand Navalrai** (Sind Non Muhammadan Rural) Sir on this Resolution I do not want to create any heat into the House

**Mr N M Joshi** Heat is needed today! It is so cold!

**Mr Lalchand Navalrai** You have already had enough heat, I believe  
 I P M I would only submit, Sir, that what is asked by this Resolution is a matter on which no one should differ. In the Resolution it is stated that an incident took place, which my friend, Sardar Sant Singh, called 'an unpleasant incident'. But if the facts put forward in the Resolution are true, then I will certainly say that it was not only 'unpleasant' but it was unfortunate and tragic. After all the incident has a reference to a religious occasion and if anything happens in which the Government or the Police are to be blamed then it becomes a very serious thing. Especially in these days of war when it is a very critical moment and there is panic all round, if the religious feelings are disturbed in any way the consequences will be such as can be easily understood. In that case, Sir, I submit that if the incident has happened where there was no occasion for the Police to interfere, then certainly the Government or the Police are to blame.

Now, Sir, as facts have been given and the Resolution says 'that the incidents were connected with unprovoked assault by the police on the religious congregation of the Sikhs at Delhi on the occasion of the martyrdom celebrations of Gurm Tegh Bahadur in November, 1941, in the course of which a cowardly attack was made' and so on, one can understand that the occasion was such that if anything untowards happened the feelings of the Sikhs and many of the Hindus would be injured. The Resolution says it was unprovoked and apparently, as it is, without any cause.

Now we have heard the Honourable Sardar Sant Singh who gave us the history of how it happened. In that history we see at least one thing which is very clear, namely, that the Government prohibited the procession, whereas my Honourable friend said, they had not to take out any procession. Now, that is exactly one of the factors to be considered in this incident. If they had not to take out a procession, then what the Police are alleged to have done is absolutely illegal. The second point is, that processions are usually taken out on such occasions and on former occasions whenever they took out processions nothing untoward happened. It is, however, said in the communique, read out by Sardar Sant Singh, that the disturbance was averted. One can understand now that then the disturbance was averted but it was never said so in those days, nor was it said that the procession should not be taken out as there would be a disturbance. On the other hand they were actually allowed and it is

only now after two years that it is said that the disturbance would have taken place, but it was averted. Then the point is if on this occasion there were such circumstances that it was impossible to avert any disturbance, things would have been different. (Interruption) I am not going to say whether these facts are true or not. I say simply that an enquiry should be made into the facts. My point is that if there were tangible grounds for the disturbance then it is for the Government to make out that case and if it is stated on this side that procession was not going to be taken out and there would have been no disturbance but the Police took upon themselves to create this disturbance then they have to prove that.

To put it in a nutshell, what is called for is this. Certain allegations are made on behalf of the Sikhs and, on the contrary, I have read in the press some notes giving the version that disturbance would have taken place, that orders were completely defied and that we could not have done anything to avert the disturbance if it had taken place. If these are the allegations, they ought to be proved. It is after all a religious matter in which in these days there should be harmony instead of the Police or anybody injuring the feelings of any community and doing something which might disturb the peace of the country. Now, it is being admitted on both sides, I should think, that this incident did take place and in that incident there were assaults on both sides.

**Qazi Muhammad Ahmad Kazmi** Assault by one side on the other.

**Mr Lalchand Navarai** I will say it this way. One of the allegation is that brick bats were thrown on the Police Superintendent.

**Sardar Sant Singh** From the crowd outside.

**Mr Lalchand Navarai** It may be from the crowd outside, but that has got to be proved. What I am submitting is this. The Resolution wants an impartial enquiry to be made and I cannot understand under these circumstances, why no enquiry should be made. It will otherwise remain in the minds of the Sikhs as well as

**Mr N M Joshi** Who has said no enquiry should be made?

**Mr. Lalchand Navarai** I say that because I am not sure whether they are going to say yes.

**Mr N M Joshi** But you must allow them to speak first.

**Mr Lalchand Navarai** I am prepared to sit just now in order to allow the Government to speak.

**Mr President** (The Honourable Sir Abdur Rahim) Will the Honorable Member please go on?

**Mr Lalchand Navarai** If on that day, when the procession was going to be stopped, there were certain people who were negotiating with the Government, and, as was given out today those gentlemen had not yet

[Mr Lalchand Navarai]

returned when this incident took place, the police should have, at any rate, waited before coming forward and doing what they did. I have never understood why it is always that the police say that they were attacked with brickbats or stones before they do anything illegal themselves. It has become their usual allegation that people throw brickbats first and then this and so forth and so forth. The further question arises whether the police were justified in going so far as to use tear gas. The police may say that it is soon as they went there they got brickbats. But even if that were so, could they not have avoided the use of lathis and tear smoke. It is not shown that any weapon of a serious nature was used first by the crowd. These are all questions that have to be decided. I, therefore, submit, that this Resolution which requires that a committee of this House, with a majority of non-official Members, should be appointed to inquire into this incident, should be accepted. Government should not come in the way of the inquiry. On the contrary it will remove a burden from their shoulders. The public, the Hindus also, are concerned in these celebrations of Guru Teg Bahadur, because the Hindus also respect and obey the dictates of the Gurus. It is necessary that an inquiry should be made in order to prove to the public and the followers of the Gurus that the police were not to blame. I have nothing more to say.

**Dr Sir Ziauddin Ahmad** (United Provinces Southern Divisions, Muhammadan Kimal) May I request the Government to intervene at the earlier stages so that we may know what the facts are, and the discussion can be carried on with full knowledge of facts?

**The Honourable Sir Reginald Maxwell** (Home Member) It is too late to begin to speak now.

**Mr President** (The Honourable Sir Abdur Rahim) Perhaps the Honourable Member would like to begin after Lunch.

The Assembly then adjourned for Lunch till Half Past two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr Deputy President (Mr Akhil Chandra Datta) in the Chair.

**The Honourable Sir Reginald Maxwell** Sir, I propose to give the House an unvarnished account of what actually happened and leave the matter to their judgment. It has been customary, as the House knows, for the Sikhs to take out a procession annually in Delhi in commemoration of Guru Teg Bahadur. The procession started from the Sisganj Gurdwara in Chandni Chowk and terminated at the Rakabganj Gurdwara in New Delhi. For several years past the behaviour of certain elements in the procession which has to pass a number of mosques has been a cause of concern to the authorities, and in 1938, and again in 1939 an outbreak of communal rioting was narrowly averted. The trouble had been going on for more years than that. In 1936 the Sikh pleaders agreed not to pass the mosques until a suitable time, but when it came to the procession the Sikhs failed to honour this verbal agreement, and reached the bazar in question at an earlier hour, and there was a great likelihood of trouble since the Muslims objected. Again, in 1937, some of the turbulent members of the Sikh community did not abide by the promise given by their leaders and created trouble by their prolonged stay and band playing before mosques *en route*.



Again, trouble between them and the Muslims was narrowly averted. In 1938, similar provocation was given to the Muslims, but I would emphasize that there was deliberate stopping in front of mosques in order to utter provocative cries, and, therefore, the local Gurdwara Prabandhak Committee were warned that a clause would in future be inserted in the licence requiring the cessation of music and of shouting by members of the procession in the vicinity of the mosques along the route. In 1939 a clause was so inserted in the licence requiring the cessation of music and shouting at the mosques, but despite this the conduct of the processionists was more objectionable than ever, and a riot was only averted by the forbearance and restraint of the Muslims in the mosques and the judicious handling of a very difficult situation by the Magistracy and the police. In consequence of the progressive truculence of the Akali elements in previous years and the deterioration in general feeling in the year 1940, it was decided for the first time in that year to enforce timings in the three sections of the route on which mosques are situated to ensure that the procession should not pass any mosque during the hours of prayer. In 1941 it was decided to adhere to the same licence as in the previous year including the timings. This was no new intervention, as the Honourable the Mover of the Resolution represented. It was a thing that had been done previously and it was done only after every possible chance in previous years had been given to the Sikhs to conduct their procession in a non-provocative manner. These instructions which were included in the licence for the procession were framed in such a way that, while there could be no interference with the normal speed of the procession, the times of its passage past the various mosques and other critical points on the route should be known in advance. The licence with these minor additions was accepted by the organizers in 1940, and that procession passed off satisfactorily, although not without anxious moments, but in this year the usual application was made by the Committee which controls the Sisganj Gurdwara on November 17th, and a licence was duly granted by the Senior Superintendent of Police. The delivery of this licence which was in identical terms with that of the previous year, and was sent through a special messenger to the Honorary Secretary of the Gurdwara Committee on November 20th was refused without the cover being opened. On the same evening the Gurdwara Prabandhak Committee adopted a Resolution condemning what were described as the strict restrictions put upon the customary procession.

**Sardar Sant Singh:** May I ask the Honourable Member whether an advance copy of the licence was sent to the Gurdwara Committee before the 20th November?

**The Honourable Sir Reginald Maxwell:** The matter, I think, was discussed with them beforehand, they were quite aware of what was coming, otherwise why did they refuse?

**Sardar Sant Singh:** They sent an advance copy?

**The Honourable Sir Reginald Maxwell:** The meeting further resolved that unless the so-called restrictions were withdrawn, the procession should be taken out without a licence. Various attempts were then made

[Sir Reginald Maxwell]

by the authorities to explain to the community that the licence contained no unusual or burdensome restrictions, but the organizers of the procession declined to modify their attitude, and since it would clearly have been dangerous to allow a procession of this kind to proceed without having some licensee responsible for the behaviour of the participants, the District Magistrate was obliged to prohibit it altogether by an order under section 144 of the Criminal Procedure Code, which also prohibited the assemblage of ten or more persons within the limits of the Delhi municipality and the carrying of weapons. This order was promulgated on the midnight of the 22nd November, and early on the morning of the 23rd November the Senior Superintendent of Police formally notified the Secretary of the Gurdwara Committee that the licence had been cancelled under the general conditions printed on the back of the prescribed form, and that any procession taken out in face of the order would be unlawful and treated as such. Meanwhile elaborate police arrangements were drawn up to deal with the new situation in close consultation with the District Magistrate and the military authorities and the military dispositions were also correspondingly altered. I would emphasize here first that the authorities had no wish to ban the procession. Their object was solely to ensure that the procession should not lead to communal disturbance, and, secondly, that the timings were so worked out as to allow the procession to proceed at a reasonable and equable pace and the restrictions thus imposed were in no way burdensome.

At an early hour of the morning the Gurm Granth Sahib was carried from Nisargani Gurdwara to a pandal erected in the Queens Garden and a diwan was held there which continued for several hours. In addition to religious speeches, there were speeches exhorting the audience to ignore the prohibition to take out a procession and to do so at any sacrifice. Throughout the morning the congregation within the pandal was growing and a crowd estimated at 2,000 had also collected in the area surrounding the pandal. As this second crowd contravened the order of the District Magistrate under section 141 of the Criminal Procedure Code prohibiting the assemblage of more than ten persons, the police made continuous efforts throughout the morning by moving about in small parties to disperse the crowds by verbal persuasion. Since it was clear from the tone of the speeches in the diwan that there was a grave probability that an attempt would be made to take out a procession in defiance of the District Magistrate's order and that this would necessitate its dispersal a warning was broadcast at about 11 A.M. by means of a loud-speaker mounted on a lorry, at intervals of 50 yards throughout the Chandni Chowk from the Clock Tower to Dibrui Kalan, that if any attempt were made to take out a procession it would be dispersed and the police would be likely to employ tear smoke in its dispersal. Householders were warned that they should remain indoors during the dispersal and close the doors and windows of their homes. As there were a number of motor cars belonging to private persons in the area affected, a further warning was put out at about 12 o'clock that these persons should remove their cars as the police could accept no responsibility for their safety in the event of their being compelled to use force. No heed was paid to the efforts of the police to disperse the crowd outside the pandal and at about 1 P.M. the District Magistrate, the Acting Area Commander, the Senior Superintendent of Police and other officers proceeded to the scene, where it was decided that the crowd outside the pandal must be

dispersed in order to lessen the size of the procession which the speakers were violently announcing would be formed in defiance of the prohibition order. This seemed the more necessary as the diwan appeared to be on the point of terminating. After consultation it was decided that the entire crowd outside the pandal should be induced to leave the area, if possible, by verbal persuasion, and if not, by the minimum employment of force. A magistrate accordingly directed the crowd to disperse, but his warning was ignored. A line of police was then formed and drawn up between the pandal and the crowd outside to force the latter towards the exit from the Queen's Gardens. This measure having failed, a small troop of mounted police was taken into the crowd to repeat the manoeuvre, the horses being ridden at a walk and batons not being drawn. As soon as they got among the crowd, the mounted police were assailed by a shower of missiles ranging from dust to bricks, pieces of wood and shoes. The members of the crowd also attacked the mounted police with sticks and other weapons and seized the bridles of the horses. As the situation was beyond the power of the police on the spot to control, they were withdrawn outside the Queen's Gardens, the gates of which were closed behind them. The new situation occasioned by the violence displayed by the crowd was considered and it was decided to employ tear smoke as a means of dispersing the crowd with the minimum of casualties. Tear smoke was then fired at long range from two points, and the crowd dispersed.

Meanwhile, the Granth Sahib was allowed to pass through the police cordon and was given a safe exit to the Sisgany Gurdwara. The police then proceeded to clear the road along the east side of Queen's Gardens and the Fountain Square and were starting to clear Chandni Chowk from that point in both directions, when a procession emerged suddenly from the Sisgany Gurdwara. In view of the violent temper of the crowd it was felt that this must be dispersed immediately if a grave situation were to be avoided. A magistrate, therefore, conveyed a warning on a loud speaker, which must have been clearly audible to the whole crowd, that if it did not disperse of its own accord it would be dispersed by force and that this would take the form of tear smoke.

Since this warning had no effect the police were ordered to employ tear smoke, which they did at long range. This made the crowd disperse, and Chandni Chowk was then cleared by the police between the Clock Tower and Esplanade Road, police pickets.

**Maulana Zafar Ali Khan** (East Central Punjab Muhammadan) Was there any lathi charge?

**The Honourable Sir Reginald Maxwell** No. Police pickets were posted to keep this area clear.

**Sardar Sant Singh** May I know if tear gas was used inside the Sisgany Gurdwara?

**The Honourable Sir Reginald Maxwell** No. It was done at long range.

**Sardar Sant Singh:** And not inside the Gurdwara?

**The Honourable Sir Reginald Maxwell** No.

**Sardar Sant Singh:** You are misinformed entirely

**The Honourable Sir Reginald Maxwell:** At no time was it found necessary to employ troops in support of the police

Two constables were admitted to hospital with head injuries while two gazetted police officers and 19 other members of the police received minor injuries. Of the public, on the other hand, one child only was admitted to hospital with a serious head injury—the allegation that two children were injured, as I said the other day, is unfounded—and eight adults received minor injuries. There were no women among the persons who were admitted to hospital on account of injuries received. The two constables are not in danger, but the child, unfortunately, died on the evening of the 24th November.

An enquiry into the death was held by the Additional District Magistrate who has found that the child died as a result of the head injury received on that afternoon in the course of stampede that followed the fire of gas shell by the police. These injuries, he said, may have been caused by gas shelling or knocking against some hard substance. After carefully examining all the evidence that there was, he could not find any evidence at all that the child had been hit by any gas shell fired by the police. No shell was picked up at the place or produced, and the child was at the time in the custody of her parents and, I think, being carried by one of them. At a time like that when a number of other persons received injuries of various kinds, it is always possible that a child may inadvertently receive some injury by being knocked against something, and the magistrate could not find any evidence whatever to show exactly how the injury was caused.

**Sardar Sant Singh:** Magistrates never find anything against the police. It is never done in any part of the Punjab. They always do it in favour of the police.

**The Honourable Sir Reginald Maxwell:** No further development occurred until late in the evening, when, at the instance of the more reasonable Sikhs a proposal was submitted to the authorities that permission should be recorded for one lorry carrying the Granth Sahib and ten attendants to be taken from the Sisganj Gurdwara along the normal route of the procession to the Rakabganj Gurdwara without any other followers. This proposal was accepted, and it was further agreed that even if men wanted by the police should be included in the attendants on the Granth Sahib, they would not be arrested that night, although it was clearly understood that no undertaking was given that they would not be arrested on a subsequent date. This arrangement was duly carried out, the lorry containing the Granth Sahib being provided by the police and leaving the Sisganj Gurdwara at about 11-30 P.M. escorted by two police lorries and followed by several of the moderate Sikh leaders and the Senior Superintendent of Police in private cars. A number of other Sikhs clung on outside the lorry so that it was probably carrying at least 30 persons during most of the route, but the authorities raised no objection to this small and virtually inevitable breach of the agreement, and the party reached the Rakabganj Gurdwara at about 0-30 hours on the 24th November, where the Granth Sahib was duly escorted into the Gurdwara with the usual ceremonies.

Meanwhile, owing to this satisfactory solution, the excitement had subsided, and the Diwan in the Queen's Gardens closed down, so that it was possible to let the troops stand down altogether and to withdraw a large portion of the police on duty in the city for a much needed rest, all ranks having been almost continuously on strenuous duty from 4 A.M. on the previous day. The complete collapse of Sikh truculence, which had at one time attained a dangerous pitch of fanaticism, and the satisfactory outcome, is to be ascribed very largely to the employment of tear smoke.

There are one or two points which I should like to emphasize in conclusion. The first is that at no time did the Police enter into the shamiana where the Granth Sahib was installed and the allegations which have appeared that the Police made an unprovoked attack on the peaceful Diwan are completely untrue. In actual fact, although the Diwan was held in a portion of the Queen's Gardens and not a recognised place of worship and was thus not exempted from the operation of section 144 of the Criminal Procedure Code, no attempt was made by the Police to prohibit or disperse it. All that was done was to disperse the large crowd of Sikhs who were waiting outside the Diwan with the obvious intention of joining the illegal procession as soon as it started. Secondly, it has been alleged that the Police first resorted to force. The facts are that the Police made sustained and patient endeavours to disperse the crowd by persuasion and it was only when the latter resorted to violence by pelting the police with stones, brickbats, tent pegs and other missiles that the Police were forced to defend themselves. Finally, I would point out that though the claim has been put forward that the attitude of the Sikhs was throughout peaceful and law abiding and that they were the victims of official intolerance and repression, speakers at Sikh Diwans held subsequently claimed that they had succeeded in violating the District Magistrate's order under section 144 of the Criminal Procedure Code. Such claims do not evidence any very law abiding attitude. It will be obvious, then, to the House that the type of situation with which the Police had to deal was one which is unfortunately not uncommon in this country. They performed no unusual action. They used the minimum of force necessary to preserve order and if action of that kind taken in a situation of that sort is to be made the subject of an inquiry on every occasion, it is the public who will in the long run suffer. I oppose the Resolution.

**Mr Govind V Deshmukh** (Nagpur Division Non-Muhammadan) A very important question is involved when an inquiry is asked for in connection with the incidents referred to in the Resolution and it is this: There is a community which has got a sore grievance that there was unnecessary interference in the devotional observance of the martyrdom day of their ninth Guru. The uncontroverted facts which stand out are these: The Mover of the Resolution has said that there was a cordon of mounted police. That fact has not been denied. The other fact which has not been denied is this, that tear gas was used and the third fact is that certain persons were injured when the police used the tear gas and made a charge. Now, the points that arise for inquiry are these—whether there was any ground for the police to put a cordon as they did round this Gurdwara or the other place which has been mentioned in the Resolution? That is a point on which the public must be satisfied. The community that feels aggrieved must be satisfied. Was the crowd of such a hostile

[Mr Govind V Deshmukh]

condition that there was no other alternative, but to put a cordon round it? Then another thing is this—whether the crowd grew so hostile towards the Police that they had to use tear gas and whether it was impossible for the Government or the person in charge to disperse the crowd without using tear gas. On the other hand, the case of the Mover is that first of all when the mounted Police came, they behaved in such a manner as to excite the crowd and here let me tell this. The policemen are expected as disciplined men, men who have undergone training, to stand better the excitement with which they are faced. They should not behave like ordinary men. They are expected to have a better standard of understanding of mass-psychology. Otherwise they are unfit to be in charge of maintaining public peace and order.

Then there is another point. The Mover has mentioned that a very respectable deputation of very respectable persons went to have negotiations with somebody—I forget the name. Was this fact not communicated to the persons in charge? Why did they not do it? That is another point that requires elucidation. In view of all these facts, I submit that the Government would be well advised to order an inquiry by allowing a committee of non official Members. My friend, Mr Joshi, interjected 'You are asking for a committee. Who says No'. There is the answer of the Honourable the Home Member who says 'No'. Going through this order as well as the justification which they have given for issuing this communique, one would find that Government themselves supply the grounds as to why this inquiry should be ordered. What does this order under section 144 say? Certain reasons are given as to why this order was issued. The order says that the observance of these celebrations was likely to lead to a disturbance of public tranquillity. Now in an inquiry they should be able to prove that there were circumstances which led them to apprehend that there would be a breach of the peace while going along these mosques and that they would interfere with the legitimate activities of other persons.

We have heard from the Honourable the Home Member that on former occasions there were chances of a breach of the peace and they were averted. These facts must be gone into so that the House may be satisfied and this particular community may be satisfied that the Police did not use more force than was necessary and that they only took the legitimate precautions to avert trouble. Now, in the communique the justification which they have given is that members of the crowd attacked the mounted police with stones and other weapons and seized the bridles of the horses. This is a very common defence. One knows very well what happens in criminal cases. The accused comes to the court and says that he did a thing in self defence. When the mounted police says that they acted in self defence, they have got to prove that they acted in self-defence.

Establish all the facts, namely, that the crowds attacked the mounted police with sticks and other weapons and seized the bridles of horses. If you can prove that there was a justification for you to apprehend that violence will be used to the mounted police, then certainly you have a case to say that your action was justified and in the course of the discharge of your duties certain persons may have received injuries. But unless an inquiry is ordered, neither side can be said to be justified in making these allegations. It is very necessary that the

Government in such cases should satisfy the public and the aggrieved party that they had substantial grounds to act in the way they did. They say further that the situation was beyond the powers of the police on the spot to control it. This also they have got to establish. In other words, they must establish that the apprehensions which would arise in the case of an ordinary man were not the apprehensions that would really cause the mounted police to use this force which they did use or to act in the way they did act, but something worse. They must establish something more than what would excite an ordinary man to behave as they did. Under these circumstances, I strongly support this Resolution.

**Dr Sir Ziauddin Ahmad:** Sir, I hope my friend, Sardar Sant Singh, would agree with me that we in the Legislature here are to make laws and not to break them or encourage the breaking of them. Thus is, I think, a fundamental principle. At the same time, we should see that the agents of the Government do not misuse the law which we here frame.

**Sardar Sant Singh:** If the agents of the Government break the law, then what are you to say?

**Dr Sir Ziauddin Ahmad:** We should see that they do not misuse the law. Sardar Sant Singh in the course of his speech referred to a manifesto which was issued by the Sikhs in order to allay the feelings of the Mussalmans. I would have supported him had he brought forward a motion that we should appoint a Committee consisting of only Sardar Sant Singh and myself to inquire into the matter. We do not want the intervention of the Government if we can settle the matter ourselves. I have suggested my name because I am his elector and he has come to this Assembly because of my vote. That being the position, I think the matter could have been very much settled by our mutual consent and mutual goodwill. But the facts which are now mentioned by the Home Member—I do not know whether Sardar Sant Singh would accept them—go to show that in the year 1936 the leaders did not carry out the undertakings which they gave to the Deputy Commissioner. In 1938, there was a danger of a riot which was narrowly avoided. Then, is it not a fact that in the year 1941, the Magistrate did not give the licence and did promulgate section 144? If section 144 is promulgated by the Deputy Commissioner and in spite of that any body of persons say that they are not going to observe the orders of the District Magistrate, then I think the House will agree with me that we in the Legislature, cannot support a proposition of this kind. We can certainly discuss whether the order was wrong but once an order is given, we cannot discuss on the floor of this House whether any body of persons can disobey it altogether. If that were permissible, then what is the use of making any law here at all? To my mind, the issue is this. Whether the Deputy Commissioner promulgated section 144, whether the licence to take out this procession was given or whether it was not given and whether the conduct of people was such as to cause the breach of peace. Once these propositions are established, it is very difficult when we have to disperse the crowd to draw the line of demarcation beyond which the police ought not to go. Once they are put to stop this trouble it is very difficult to say that they ought to do this and ought not to do that. Excesses, of course, we can always control. I think my friend would probably mention here whether the

[Dr Sir Ziauddin Ahmad]

facts mentioned by the Honourable the Home Member are correct. If they are correct, I do not see the necessity of the Government making an inquiry. I think Sardar Sant Singh and myself are quite capable of making an inquiry ourselves and lay down a line of action so that there may be no breach of peace in the future between the Sikhs and the Mussalmans. We are in sympathy with the Sikh community and we do not want to quarrel with any person. I think if they can also extend the same feelings towards us, no trouble should or would happen in the future.

**Sardar Sant Singh** Sir, India is still under a misapprehension that we are living in the year 1942. We are still living in the sixteenth century of the Bureaucratic rule. The long written reply that has been made by the Honourable the Home Member discloses that it is not only the police with that rotten mentality of which we have been complaining all these years which holds that view but the Honourable Member himself also holds the same view today. My friend, Dr Sir Ziauddin Ahmad, has asked me if I accept the facts as related by the Honourable the Home Member. I say that I do not accept those facts. The main point on which information has been withheld from him is when he says that no tear gas bullets were fired inside the Gurdwara. I have exhibited about 35 of them in the lobbies with a covering of Granth Sahib which were picked up in the Gurdwara itself. My friend has not probably been informed of them. He has read the account which the Delhi administration, the head of which is a dickhead of the worst type, then issued. He has simply read that account and based his conclusions upon that. My point is this that an inquiry is needed because incorrect statements have been supplied to this House and it is an insult to the dignity of this House to have incorrect facts from the Government. I will ask him if he is prepared to go with me and to make an inquiry on the spot in regard to this very fact whether the tear gas bullets were fired inside the Gurdwara or were fired outside the Gurdwara?

**The Honourable Sir Reginald Maxwell** On a point of explanation, Sir I did not say that no shells could have been fired into the Gurdwara. What I said was that they were fired from a long range.

**Sardar Sant Singh** Does he accept the fact that these long range shells were actually fired inside the Gurdwara or not? As many as 35 or 40 shells could not have been found inside the Gurdwara only by chance.

**The Honourable Sir Reginald Maxwell** They were fired outside the Gurdwara.

**Sardar Sant Singh** I do not accept this fact. I know, and I made enquiries after the statement was made by my Honourable friend, from those who were present on the spot and I am told that actual firing took place inside the Gurdwara. Here is the account on the point which I will read.

"When gas had filled the whole *pondat*, Guru Granth Sahib was taken to Gurdwara Sisganj. Some people followed the Granth Sahib as is customary. As Granth Sahib had just gone into the Gurdwara, the Sikhs behind were indiscriminately lathi charged by the Police injuring several persons. The people ran into the Gurdwara and it was announced that gas would be used after five minutes. But five seconds



had not yet elapsed when scores of gas shells had already been thrown into the Gurdwara filling the building with smoke. As it was a closed building and a great number of shells had been used almost all those within the Gurdwara became senseless. Among those was a prominent Sikh leader, namely, Sardar Harbans Singh of India Tyre Co."

If two authorities differ with each other on such a material point as firing inside the Gurdwara, is not a case made out for an enquiry? But my Honourable friend, Dr Sir Dalal, says, 'no'. Unfortunately, as he is sitting on those Benches, he has lost all conscience. I pray God will soon restore to Dr Dalal his conscience. May I ask my Honourable friend, Dr Sir Ziauddin, if a similar firing had taken place in a mosque, what would be his feeling, especially at a time of prayers? If firing took place on a congregation who are peacefully praying, what would be his feeling? An enquiry should certainly be made of the happenings.

With the second line of argument of my Honourable friend I do not like. We say we are fighting for democracy today. I do not like my Honourable friend using the same argument often and often in this country, setting the Muslims against the Sikhs. I pointed out from reading the communique that it was an insidious attempt to set one community against another. After this communique was issued, the Sikhs got a poster pasted in the public which speaks for itself. After this appeal was issued by the Sikhs, particularly to the Muslim community, where was the apprehension of a breach of peace? May I point out to the Government that under section 30 of the Police Act, the Government are required to have evidence before them that there are certain Muslims who are objecting to the procession. Will the Honourable the Home Member please put down any evidence that the police had in their possession which made it necessary for the issue of a licence. Police Act, section 30 requires this.

My Honourable friend here says, we are not here to break the law. What about Government who break the law? Under section 30 of the Police Act, the Government can only issue a notice for taking out a licence if they have reasonable grounds to suppose that communal disturbances will take place by taking out the procession. Did the Government examine any Muslim gentleman, did they examine any Hindu or Christian gentleman, did they examine any Anglo-Indian or even any European who objected to this procession? What right have the Government got then to issue a notice for taking out a licence? They had no right. Who has broken the law? If the Government break the law, you cannot expect the other party to keep quiet. You should not say that the other party should not stand on their rights given by the law. As law makers and as respecters of law, I yield to none. I have fought during the last 20 years for the rule of law in this country. But I find that the rule of law is absent in this country. My complaint is that this enquiry is called for because laws have been broken in Delhi by the Delhi administration. I think this must satisfy my Honourable friend that law breaking begins with the bureaucracy and not with the people.

After all, what is the sort of law prevailing here in Delhi? My Honourable friend, Dr Sir Ziauddin Ahmad, will be amused if I tell him that after all this trouble, after all this ban and after all this agitation was allowed to take place, the Honourable the Home Member himself has pointed out that an agreement was reached between the parties and a procession was

[Sardar Sant Singh]

allowed to be taken out after that. Is that the respect for law that we are keeping? The Honourable the Home Member said that 30 persons were allowed to take the Gurmth Sahib in procession to the Gurdwara Singu. What was then the fun of having banned it earlier? Was that the sort of respect you showed towards your own commune? Is this the respect you show to your own orders? Why do you make a joke of law? It is amusing, it is interesting to see you, supporters of law, becoming panicky. In all small matters the Government lose their balance of mind, balance of judgment. You allow a petty magistrate to go to Gandhi Park and control the procession, control the peaceful crowd sitting in congregational prayers. Is this the sort of power on which you boast yourself? I think it is sheer humbug to say that the Government are using their powers aright. You spoil the whole thing, you take away the respect for law which is left in the country. It is not you who ought to be satisfied that law is kept in this country, but it is we, the people who should be satisfied that they are governed aright by law. You do not satisfy the people. The people are dissatisfied with your rule, they are dissatisfied with your methods, they are dissatisfied with whatever you do. You say you are enforcing respect for law. I wish there was real rule of law in this country. My whole quarrel is that there is no rule of law in this country. Even with this Expanded Executive Council you cannot awaken the interest of the people in the country. In spite of the present situation in the country, you say you oppose this Resolution. You do not want an enquiry to be made into the acts of the Delhi Administration. Why? I say you should be the very first to avail of the opportunity to clean yourself, you owe it to your public servants who have been guilty of breach of law that they should exonerate themselves before a court of enquiry. I know you do not care for us,—the Sikhs. You have got the votes. I know this Resolution will not be carried in this House so long as my Honourable friend, Dr Sir Dalal, is there. I know that. But, we the Sikhs believe in something more spiritual than you. After all this is a temporal House. We Sikhs believe in things permanent in which you do not believe. You have greatly injured the feeling of a religious congregation, you have injured the feelings of persons who were gathered there for the sake of worship. You have violated spiritual laws and not physical laws. Your insidious attempt to create disharmony between the Sikhs and the Muslims is abominable. I would not claim a Division on this Resolution. We believe in the power of our Guru and in all solemnity we know, we feel that that Guru will decide the fate between you and me. Sir, I have finished.

**Mr Deputy President (Mr Akhil Chandra Datta)** The question is

That this Assembly recommends to the Governor General in Council to appoint a Committee consisting of members of this House with a majority of non-official members in it to make a public enquiry into the incidents connected with the unprovoked assault by the police on the religious congregation of the Sikhs at Delhi on the occasion of the martyrdom day celebrations of Guru Tegh Bahadur in November, 1941 in the course of which a cowardly attack was made on ladies and children present in the congregation and tear gas was used, with instructions to report, on the responsibility of the officers guilty of those acts."

The motion was negatived.

[At this stage, Mr President (The Honourable Sir Abdur Rahim) resumed the Chair.]

## RESOLUTION RE RELEASE OF POLITICAL PRISONERS AND DETENUS

**Mr Akhil Chandra Datta** (Chittagong and Rajshahi Divisions Non-Muhammadan Rural) Sir, I move

"That this Assembly recommends to the Governor General in Council that steps be taken for the immediate and unconditional release of all political prisoners and detenues"

Sir, there are two classes of political prisoners. One set is called the civil disobedience or satyagrahi prisoners. They are also called non-violent prisoners. So far as this group of prisoners is concerned, they have been released. I do not know if they have all been released but we have received an assurance from the Honourable the Home Member last week that all the persons who come within the scope of the Government *communiqué* of 3rd December have been released. I hope, Sir, they have all been released. Of course, the release of these satyagrahi prisoners never appealed to me to be any matter of very great consequence. These satyagrahi prisoners offered satyagraha and courted imprisonment themselves. They were not detained against their wish. It is probably for this reason that Mahatma Gandhi said that there was not much significance in the release of these satyagrahi prisoners and that it does not indicate any change of policy on the part of the Government. Anyway, we are grateful for this small mercy.

There now remains the other class of prisoners who are called security prisoners. They are also called detenues. They are being detained without trial. These prisoners can again be sub-divided into two groups, namely, communists and revolutionary socialists. We have been told that their number is now over 1,000. To be precise their number was 1,625 on 1st January last. So far as these prisoners are concerned, my case is that they should be released. This is what the Resolution recommends, or in the alternative, at all events, they should be brought to trial. Unfortunately, Sir, before I could avail of the opportunity today to move this Resolution, the Government have already pronounced their verdict on this matter on 14th February in answer to a question. The Honourable the Home Member was pleased to say on that occasion that "no further general release is contemplated either of convicted prisoners or persons detained without trial." Therefore, the Resolution I am now moving is practically something like an appeal against that verdict. It may be an appeal from one Philip to another but all the same it is an appeal. In that statement the Honourable Member was further pleased to say that both the Central and Provincial Governments are engaged or would shortly be engaged in a review of the cases of persons detained without trial, in the course of which these prisoners would have an opportunity of making such representations as they wish. With regard to this part of the statement also my submission is that instead of a review of this character they should be put on regular trial in a court of law. If the evidence can be produced before an advisory committee there can be no objection to placing it before a court of law.

As regards detention without trial it is no use repeating our arguments. The principle has been enunciated times without number that

[Mr Akhil Chandra Datta ]

detention for any length of time without trial is fundamentally and inherently unjust and unjustifiable. We may well understand the arrest of a man by the executive and his temporary detention, but there is no reason why he should not be placed before a court of law. If you fight shy of a court that only exposes you to the charge that you have got no evidence on which you can satisfy the court that the man concerned should be detained. Last November the Honourable the Home Member put forward an elaborate defence to justify this detention without trial. It was a laboured defence. But he told us what the case of Government is. As regards the security prisoners the charge against them, briefly, is that in the middle of the year 1940 there was a crisis in the war and in those days the attitude of the Communists was very hostile to the war efforts. According to the Home Member, their activities were designed to paralyse the war efforts in this country, and that there was violent propaganda leading to mass disorder and mass violence, and in support of that allegation it was said that there was a textile strike in Bombay in 1940, there were industrial disputes in 1940-41, and so on. That is the gravamen of the charge against the Communists,—their hostile attitude towards war efforts. In reply I want to say this that there was no general strike at all. We have not been told of any general strike excepting some industrial strikes, nor was any case cited of a general disorder in 1940. My submission is that these industrial disputes and strikes do not prove any anti-war activities. And remembering that most of these strikes were successful and resulted in increased wages for labourers, you cannot say that they were not *bona fide* industrial disputes between capital and labour.

We must remember in this connection all the activities of the Communists about which objection was taken and on which was based the order of detention. Were activities alleged to have taken place in 1940? He spoke of the underground organisation and underground efforts of 1940. He did not mention any underground organisation or any underground efforts subsequent to 1940. The question, according to the formula laid down by the Home Member, is whether there is at the present moment any disorder on such a large scale as may paralyse or obstruct the war efforts. Admittedly, Sir, the position has improved, that was the admission made in so many words by the Home Member on the 18th November last. If the position has improved, whatever might have been the position in 1940, that leads us to the question whether there is any necessity or justification for further detention of these people, apart from the question whether in the first instance their detention was justifiable or not. That being the precise charge against Communists the most pertinent question is, what is their present attitude? Their present attitude towards the war is well known and well pronounced. At the last meeting of the All-India Congress Committee at Wardha, Mr Muhammad Ali Khan on behalf of the Communist Party of India moved an amendment declaring most unequivocally that their attitude was one of unconditional support of the war efforts in spite of the imperialism of the British Government. It cannot be denied that they are now keen and enthusiastic in promoting war efforts. The question, therefore, arises whether, in the altered circumstances their further detention is at all justifiable. They might have been your enemies before but they are now

your friends. The course of the war has proved that the enemies of yesterday are the friends of today and the friends of tomorrow.

The Communists of India like the Communists of Russia might or might not have been your enemies but they have now offered their hand of friendship. They are now keen and enthusiastic supporters of the war efforts and they want to fight against Germany and Japan shoulder to shoulder with you. It is for you to grasp that hand of friendship. There is no sense in making enemies of your friends. Trust these people and embrace them as your friends now. You have tried a policy of distrust and suspicion for 150 years, it has worked irreparable havoc and brought you on the brink of collapse. If you had trusted India the history of the war would have been quite different. If you had trained and relied on the man power of India you would have the biggest army in the world. If you had not obstructed the development of industries such as automobiles, aeroplanes, shipbuilding, etc., you would not have looked in vain now for equipment from thousands of miles away. You are now renting the heavens with a piteous cry for equipments. The burden of your cry now is "Give us tools and we will finish the job." How do you explain that a vast continent like India is now paralysed with fear of attack from a tiny small island in the remote Pacific 4,500 miles away? How could nine crores of Japanese challenge 40 crores of brave Indians? May we still hope that in this supreme hour of your trial and tribulation, political wisdom will dawn on you? Will you make the Indians feel that this war is a war of their own and for their own freedom and for democracy as much for India as for the remote countries of Europe? Remove the shackles of India and I am sure you will win this war. The Communists are patriots and want nothing but the freedom of India. Convert them into a brilliant army for the real war of freedom and democracy. Throw open the doors of prison and recruit them at the jail gate for defence of their country and for the freedom of their country.

In connection with the question of release of prisoners, naturally the case of Mr Sarat Chandra Bose comes to my mind very prominently. Mr Bose has not been put on trial. Not only that, it is not proposed to place his case for review before any Advisory Board or any committee. May I tell the House how Sir N N Sircar, the ex-Law Member, feels on this matter? Sir N N Sircar was the pillar of the Government for so many years,—at all event in this House. I remember how Government used to become helpless when he was on leave. Now, this is what Sir N N Sircar says:

"The detention of Mr Sarat Bose is justified as being necessary in the interest of India and its good Government. I am presuming that the authority which is to be satisfied that detention is unavoidable has honestly come to that conclusion on materials before it."

But he says, "Can any human being claim immunity from error of judgment?"

**The Honourable Sir Reginald Maxwell** (Home Member) May I know, Sir, from what the Honourable Member is reading?

**Mr Akhil Chandra Datta** I am reading from a copy of a speech made by Sir Nripendranath Sircar on that very day, viz., the 14th of February.

[Mr Akhil Chandra Datta ]  
in Calcutta, in a meeting of the Indian Association. He has very kindly sent me a copy of his speech and I am reading from it.

**The Honourable Sir Reginald Maxwell** Is it proper, Sir, that an Honourable Member should put his arguments in the words of somebody who is not a Member of the House?

**Mr Akhil Chandra Datta** These are my words. I am adopting them as my own words.

**Nawabzada Muhammad Liaquat Ali Khan** (Rohilkund and Kumaon Divisions, Muhammadan Rural) Then this statement is not on the authority of Sir N. N. Sircar.

**Mr Akhil Chandra Datta** I say that these words are my words.

**Qazi Muhammad Ahmad Kazmi** (Meerut Division, Muhammadan Rural) And Sir N. N. Sircar agrees with you.

**Mr Akhil Chandra Datta** But can any human being claim immunity from error of judgment? he said. The question is you are not immune from error of judgment, and, therefore, it would be proper that he should be put on trial. At all events his case should be raised before an Advisory Board. Now, Sir, I will quote the words of that gentleman from another paragraph.

In the example given, the act of governing has not been done by Indians, and Indians cannot force their opinion, not even to the limited extent of having the evidence against Mr. Bose examined by an impartial tribunal.

In this connection, Sir, there are many things which require elucidation. It is said that the members of the expanded Executive Council were not consulted. They know nothing of the order. I do not know whether that is true or false, but, at all events, it has not yet been contradicted either by the Honourable Mr. Aney or Mr. Sarkar or Sir Ramaswami Mudahar or Sir Sultan Ahmed.

**Mr N. M. Joshi** (Nominated Non Official) You can ask them now.

**Mr Akhil Chandra Datta** I do not know if they are in a position to contradict this statement that they did not know anything about this order or detention of Mr. Bose.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) I should like only to point out that it would be extremely embarrassing if in reply to a question like that any Honourable Member should state what has happened or what has not happened. It would be as embarrassing as any positive or negative statement can be.

**Qazi Muhammad Ahmad Kazmi** (Meerut Division, Muhammadan Rural) It is a question of joint responsibility.

**Mr President** (The Honourable Sir Abdur Rahim) If the Honourable Member knows him self that they were not consulted it is another matter

**Mr Akhil Chandra Datta** If the members of the Executive Council were not consulted, all I can say is that it is a pity for India and the Expanded Council is a mere camouflage

Now, Sir, I have this morning received a letter from Mrs Sarat Chandra Bose and I am very anxious to read this letter before this Honourable House This letter is dated the 17th February, 1942

**Mr President** (The Honourable Sir Abdur Rahim) Is it a long letter?

**Mr Akhil Chandra Datta** I will not read the whole of it I will only read important bits

Perhaps you have noticed in the newspapers that the Honourable Nawab Bahadur of Dacca and the Honourable Mr Santosh Kumar Basu went to Trichinopoly and had an interview with my husband there The Nawab Bahadur of Dacca returned to Calcutta on the 14th instant and was kind enough to call on me to inform me about the conditions of detention and the present state of the health of my husband there The Honourable Mr Basu returned to Calcutta on the day following and he also saw me on the day he returned

The information which I gather from them is very depressing and alarming indeed and if the present state of affairs, which I must say are harshly cruel to my husband, continues further for even a very short time it will have a very telling permanent effect on the already impaired health of my husband and I am sure my husband will be forced to have recourse to a very drastic step namely, hunger strike which he has already determined upon (as I heard from the said Ministers) but which he has deferred for the time being for a few days at the special request of the said Ministers and upon certain assurances given by them The conditions of his detention and state of his health which I gather from the Ministers are as follows

- (i) he is being given in allowance of nine annas per day "

Nine annas per day for his diet No comments are necessary

to meet the cost of his food for the day Out of the sum remitted by me to him which is held in deposit by the Jailor, he is allowed to spend not more than Rs 10 per mensem to supplement his daily food allowance This allowance supplemented as above is miserably insufficient to meet the requirements of the food to which he is accustomed to and his adopted according to medical advice The result is apparent—he is not having sufficient nourishment even

- (ii) he is being kept in solitary confinement "

And I would specially draw the attention of the Honourable the Home Member to this part of the letter

" and he is not allowed any company or to talk to anybody "

**The Honourable Sir Reginald Maxwell** Except the Bengal Ministers

**Mr Akhil Chandra Datta.**

"The yard where he is confined is very small (of few feet only) and he cannot have any exercise in walking—the only exercise permissible to him according to medical opinion,

- (iii) he is allowed to receive only four letters per week and to write two letters in a week,

- (iv) he is not allowed to use his own stationery even,

[Mr Akhil Chandra Datta]

- (v) since his transfer to Trichinopoly, he has been experiencing the greatest inconvenience and difficulty in his food. First a man was assigned to cook his food, who knows nothing about cooking of English dishes and even ordinary vegetable dishes suitable to his taste and health. The food cooked by him was uneatable, and by reason thereof, although he himself does not know cooking, he was forced to do his own cooking for a long time which was very tiresome to him. On or about the 25th January last a man named Goffur was sent from the Calcutta Jail by the Bengal Government to Trichinopoly as a cook for him. This man also knew nothing of cooking beyond meat curry and biriyani and he himself admitted that he was no cook but had acted for sometime previously as a cook's assistant. At the top of that, this man also is suffering from blood dysentery for some days past and had become by reason of his illness, a source of additional worry to my husband. My husband has asked this man to be brought back so that he may be relieved of this additional worry,
- (vi) Trichinopoly is a hot place, having very little cold weather. It has become already hot. As a diabetic patient he cannot bear such hot weather,
- (vii) he has been suffering from diabetes for a number of years which he had kept under control by regular treatment, systematic dieting and walking exercise. Lately he was under Kaviraj treatment and was taking medicines and which had done him appreciable benefit in health. He cannot get there and the people there do not know it even. Sugar has again appeared in his urine. He is losing weight considerably and is very much depressed in mind and pulled down in health.

As a result of all that he had made up his mind to have recourse to hunger strike when all his representations to the different authorities have gone in vain and do not seem to be receiving the least attention."

It is a lengthy letter and I should not like to read the whole of it.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member has two minutes more.

**Mr Akhil Chandra Datta** I shall finish in two minutes. My complaint is this, I have spoken particularly about the case of Mr Bose because he is so well known, but there must be any number of such cases. Although my Resolution says "unconditional release of all political prisoners and detenus", I am prepared to concede that if the Government feel that there is enough evidence against these people in their possession then in the name of the people of this country, I ask in all seriousness this small mercy of placing them before a court of law and prove the offence. But without giving him any opportunity of proving his innocence, without telling him what the charge against him is, and then to detain him indefinitely as has been done in regard to most of these security prisoners, is not proper, especially in these days when you want to create mass enthusiasm for war, do not make the position strained, do not make the position bitter between the people on the one hand and the Government on the other. If you are really anxious for genuine enthusiastic support in your war effort, it is only necessary to take them into your confidence, and in the interests of bare justice, either to release them or place them on trial. Sir, I move.

**Mr President** (The Honourable Sir Abdur Rahim) Resolution moved.

"That this Assembly recommends to the Governor General in Council that steps be taken for the immediate and unconditional release of all political prisoners and detenus."



**Mr. N M Joshi** Sir, I am very glad that the Honourable the Deputy President has given the Assembly an opportunity of discussing this important subject this afternoon. When the Government of India released the satyagrahi prisoners they justified their action by stating that they felt that the release of the satyagrahi prisoners would not interfere with the satisfactory conduct of the war. The Government of India felt confident that the responsible opinion in India was determined to support the war. I am rather at a loss to know why, when the Government of India could feel that confidence and release the very numerous and most influential class of political prisoners, numbering about 6,000, they should not feel sufficient confidence to release a much smaller and much less influential class of political prisoners. This is inexplicable to me. Among those whom the Government of India did not release at that time are some people who were convicted and sentenced to long period, on account of having made speeches. The Government of India may say that these people were not released as they did not want to interfere with the administration of justice, but in that very communique which the Government of India issued on the 4th December, they released Pandit Jawahar Lal Nehru and Maulana Abul Kalam Azad, and I think they acted very rightly. But when the Government of India could feel that confidence that their war effort would not be impeded by releasing such influential men like Pandit Jawahar Lal Nehru or Maulana Abul Kalam Azad, I do not know why they should not feel that confidence in releasing humbler people. Is there one justice for Pandit Jawahar Lal Nehru and Maulana Abdul Kalam Azad and another justice for humbler people? I feel that this discrimination is not justified.

The Government of India have not discriminated only among this class of political prisoners. They have discriminated between the security prisoners and the satyagrahi prisoners. I do not know what justification there is for this discrimination. To me it appears that the Government of India as usual had partiality for the middle class politician to which class the satyagrahi prisoners belong, and the Government of India have always shown a prejudice against those people who take part in the labour movement and in the *hisan* movement. This discrimination made by the Government of India appears to me also very perverse. The Government of India have released people who have committed offences, though those offences were formal or symbolical, but they refuse to release people who may not have committed any offence, or at least who are not proved to have committed any offence. I therefore feel that this attitude of the Government of India is perverse.

The Honourable the Deputy President has dealt with the question of the detention of the detenues without trial, very thoroughly. He has pointed out how a policy of this kind is unjust and against the principles of sound law. I shall deal with the question from the point of view of expediency. As a result of the release of the satyagrahi prisoners I think the Working Committee of the Indian National Congress, and the All-India Congress Committee were able to reconsider their attitude towards the war, and even the Government of India will admit that that reconsideration has improved the situation. I may go further and say that as a result of the release of the political satyagrahis, Mahatma Gandhi has given up, or at least suspended, his satyagraha movement. I feel that today or after the political prisoners were released the situation in the country has improved. Some time after the entry of Russia into the war, there is hardly any opposition to the war in this country. Therefore, I feel that considering the results

[Mr N M Joshi]

of the partial action taken by the Government of India—we can say truly that the Government of India made a mistake in not releasing all the political prisoners. If they had done that the political situation would have improved a good deal.

Then the Honourable the Deputy President mentioned that the communist party, to which a large number of the detenus belong, have reconsidered their attitude towards the war since the entry of Russia into the war. It is true that they took some time to formulate their policy, because most of the communist leaders have been in jail and they found it difficult to take a decision on behalf of the party. But it is a fact that they have changed their attitude towards the war. They are now in favour of full support to the war, although like the Liberal Party and Sir Tej Bahadur Sapru they also state that for the effective and enthusiastic participation in the war the Government of India must establish a national Government and do several other things. Therefore, today, there is no reason why the communists should be kept in jail and the Liberal Leaders and Sir Tej Bahadur Sapru should be left free. (Interruption) If the communists are to be kept in jail, there cannot be another law for the others. My point is, as Sir Tej Bahadur Sapru and members of the Liberal Party are free, the communists also should be free. Not only the communist party, but important *kisan* leaders also, at least some of them have changed their attitude. I have got here a statement issued by Swami Shahajanand, the most prominent of the *kisan* leaders in the country, and he, like the communists, has come to the conclusion that the *kisans* must support the war unconditionally. I, therefore, feel, that it is wrong for the Government of India to keep these people in jail any longer. They were wrong in not releasing them along with the satyagrahis, but they will be doubly wrong if they keep these people in jail any longer.

The Honourable the Home Member told us the other day that in pursuance of the policy which he announced in the Assembly during the discussion on my Resolution, the Government of India were taking steps to appoint some reviewing authority to review the cases of the detenus. Mr Deputy President has dealt with the unsatisfactory character of this kind of enquiry. But what I feel is this. The Government of India did not consult any authority when they put these people in jail. They never placed any evidence before some authority to consider whether these people deserved to be put in jail or not. But the Government of India now when the time for release comes, consult a reviewing authority! This is rather a strange and one sided procedure.

**The Honourable Mr M S Aney** (Leader of the House) What is the suggestion?

**Mr. N M Joshi.** The suggestion is that they should be released immediately without any enquiry. Moreover, in Great Britain there is a committee which considers the cases of security prisoners, but there the security prisoner gets an opportunity of placing his case before that committee at the very initial stage. The Government of India have kept these people in jail for two years, or at least for one year, and now when the time comes for their release, they think of appointing a reviewing authority! Moreover, the Government of India announced their decision regarding reviewing the cases three months ago. The reviewing authorities are being

appointed now after three months, and I have no doubt that these reviewing authorities will take some time to come to a decision. This leisurely and dilatory procedure will not do in these times which are moving very fast. Then, there are some complaints about the procedure. The Government of India do not allow legal assistance to the detenues in order that they may place their cases before the reviewing authority.

**The Honourable Sir Reginald Maxwell:** Do they get it in England?

**Mr N M Joshi:** I am not quite sure of that. Not only that, but a security prisoner cannot claim that he should appear personally before the reviewing authority. It is true that the reviewing authority may ask the security prisoner to appear before it. This procedure, moreover, does not really suit those security prisoners who belong to parties. This procedure may suit individuals who as individuals have been put in jail, but people who have been arrested as members of a party—I know that communists have been arrested as being communists belonging to the party. If the communists have now to put in their statements before the reviewing authority, they have no opportunity of consulting each other and putting in statements which they and their party would approve. They are in jail, they cannot consult each other. The Honourable the Home Member will admit that there are difficulties in the way of mutual consultation. I, therefore, feel that this method is unsuitable. I also know that there are security prisoners who have conscientious objection to such a procedure. They say "The Government did not put us before a judicial authority for trial. It is Government's responsibility to prove that we are guilty. Now, the Government ask us to prove why we should be regarded as not guilty. This is putting the burden of proof on the wrong shoulder." Again, there are some security prisoners with a very high sense of honour and also appreciation of the dignity of human freedom. They feel that, although they have changed their views regarding the war, while they are in duress they do not like to state that they have changed their views, on account of the very fact that it is wrong that a man in prison should make that statement. Moreover, their attitude is likely to be misunderstood that people may think that these detenues have changed their views in order to secure release. I shall read only a sentence.

**Mr President (The Honourable Sir Abdur Rahim):** The Honourable Member's time is up.

**Mr N M Joshi:** I shall not read anything. I, therefore, feel that this procedure of reviewing cases by some authority, is not suitable to those detenues who belong to parties. It does not suit people who take the view that it is wrong for them to make statements while they are in duress and they should take upon themselves the burden of proof. I also feel that this method of reviewing cases is inappropriate. This is not the time when we should proceed with the question of release of these prisoners in a dilatory and leisurely manner.

**Mr President (The Honourable Sir Abdur Rahim):** The Honourable Member's time is up.

**Mr N. M. Joshi:** I shall speak only two sentences more. We are living in a time when there is absolutely no opposition to the war. Not only that,

[Mr N M Joshi]

but there are peoples within the jail who are anxious to support the war. Should not the Government of India give them the satisfaction of supporting in the prosecution of the war? I, therefore, feel that the Resolution which the Honourable the Deputy President has moved deserves the support of this House, and I also feel that in the times in which we are living the Government of India should accept it.

**Maulana Zafar Ali Khan** (East Central Punjab Muhammadan) We are under the shadow of a great tragedy and from Mr Churchill  
 4 P M down to the Commander in Chief they are declaring from the housetops that a great crisis has arisen in the East and everything should be done by those who are for the welfare of the British Empire to sink their differences and join hands with the Government and help it in the successful prosecution of the war. I should have thought that at such a juncture a wise Government would have done its level best to earn the sympathies of the people and not to alienate them. At a time when you are talking of the necessity for the co-operation of the people of India with the Government you ought to have thrown open the doors of the jails and not to have allowed a single political prisoner to remain within the jails but it seems to me that the Bureaucracy think that a well-filled jail is the emblem of sovereignty and so they must have political prisoners in the jails and the game is going on merely. Sir, there are two great political parties in India, the National Congress and the Muslim League. Both have declared in so many words that they would very much like to co-operate with the British Government in the successful prosecution of the war if the Government only parted with power, took them into confidence and placed them in authority but the Government would not share authority with the Congress, with the result that these Benches are empty. The result is that the Muslim League is discontented and the other parties are discontented. The Liberals are raising their voice against the present policy of the Government but the Government would not hear. Has the National Congress ever said that they would like to invite Hitler and that they would like to invite General Tojo from Japan to take the place of the British? Has any one said so? Certainly not.

Why then, I should like to know, should the Government be blind to reality? Open your eyes and see what is happening in the world. The war is at your very doors. Malaya is gone. Singapore is gone. Half of Burma is gone. Hongkong is gone. Sumatra is going. Java may go and in the words of the Commander in Chief war may come to Madras. What prevents Japan from landing in Madras? Nothing. Japan can tomorrow invade India. At such a critical time you should not alienate the sympathies of the people of this country but instead of doing that you simply put the *Kisans* and the communists in prison. What do the *Kisans* and the communists say? They only say 'We want our country to be free'. You are talking of freedom, you say you are fighting for democracy. Why don't you speak out what is in your mind? Be plain. I warn you that if you go on like this, alienating the sympathies of the people of India there is a very bad day for you and with these words I would like the Home Member to look into the wording of the Resolution placed before the House by the Deputy President and give it sympathetic consideration and throw open the doors of the jails.

**Mr Jamnadas M Mehta** (Bombay Central Division Non-Muhaminadan Rural) Sir, I rise to support the Resolution moved by my Honourable friend the Deputy Speaker of this House. I would, however, confine this debate strictly to the merits of the case. I do not want to raise any controversy of a wider character. Nor do I wish to exploit this occasion for a political tirade against the Government. In war time, even in a free country, every citizen has to reconcile himself to some restriction of his liberty. I recognise that I do not wish to say that if Government had got sufficient reasons against me they should not detain me. The object of this Resolution is this. Government in a moment of panic arrested and detained some people and imprisoned others. It is now more than two years since the war started and still they are detaining some of them, without going into the merits which led them to that detention. It is this which is causing immense discontent in the country. I do not agree with my friend Mr Joshi that Government are partial to the middle classes. Not at all. I cannot share that view. They are just as unjust.

**The Honourable Sir Homi Mody** (Supply Member) Even more

**Mr Jamnadas M Mehta** They are only kind to gentlemen like the Supply Member but so far as the middle classes are concerned, they pick and choose. The more powerful the middle class, the more they bow to them but taken as a whole they have not favoured the middle classes.

**Mr N M Joshi** I am prepared to modify that statement.

**Mr Jamnadas M Mehta** They could prevent the Hindu Mahasabha meeting at Bhagalpur, which was the most outrageous conduct on the part of the Governor of that province and for that reason he should have been deported from that province as being the greatest fifth columnist. That is my view. But they make peace with the Khaksars and the Congress. I am glad that they have made peace with both, because the results of these overtures have been on the whole successful. The Congress has not only abandoned Satyagrahi but I find Mr Ruygopalachari today raising his powerful voice and saying that we must defend our country, and Mr Bhulabhai Desai is following him somewhat cautiously but following him all the same. That is my point. Therefore, the results of the policy of releasing a large number of these Satyagrahi prisoners, as they are called, have fully justified the action. I say that the results have justified the Government's attitude in releasing them. What is needed is only a little more extension of that attitude. I assure the Honourable the Home Member that the results will again justify themselves. There will be no attitude of obstruction to the war. I know some of the members of the Roy Group, they are solidly behind the war effort. They believe in giving cordial support to the war. They have been kept at arm's length even from the war effort but still they have made no grievance of the political conditions in India. They have demanded no national Government. They have asked to be allowed to participate most cordially and whole heartedly in the war effort. It is this kind of people who are still behind the prison bars. I do not know how many of them have been detained. But we know that some are still behind the prison walls. To my mind, they no more deserve to be behind the prison walls than the Honourable the Home Member himself. They are more keen on the war effort from the people's point of view, they believe that if the war comes to India's doors, it will

[Mr Jamnadas M Mehta]

mean the devastation of this country and the devastation of 40 crores of people. The tragedy will be visited with terrible consequences on the people of this country. It is from that point of view as well as from the international point of view that Mr Roy's group is supporting the war effort with wholehearted sincerity. Is it wise that this class of political prisoners and detenus should remain for a single day behind the prison walls instead of being allowed to go all over the country to preach the message of 'Fight for India's defence'? They are burning to be allowed to do so, they do not need any inspiration from Government. They have not even the interests of their own party at heart. They have one and one consideration only and that is that India must defend itself, that this war must become the people's war by allowing people to be associated with it. With this object in view, they have hushed all political controversy in the meantime, they are not asking for national Government. I do not know what national Government will be if you give it to the Congress. I personally do not think that you should give it to them. I know what Mr Rajagopalachari did in Madras when he was the Prime Minister. He imprisoned people who would not speak Hindi. Such an intolerable gentleman should be given no power. But the Royists are not making any such condition. They are asking to be allowed to participate most actively and wholeheartedly in the war in the interests of India's defence and of International democracy. These people deserve to be at the head of the war effort and not in jails. That is the difficulty which I am feeling.

Coming to one or two more points which my Honourable friend, Mr Datta, raised, I do feel that men like Sarat Chandra Bose should have been given an opportunity to explain themselves before they were taken under detention. I do say that as soon as you think of arresting a person you should give him an opportunity the very next day of explaining his position. You should examine his case the very next day and not keep him in prison for two years and six months and then appoint a Committee which will go on in its own way. That kind of procedure is most unfair. It is keeping away a large number of people from helping and it is doing no good to Government.

My last point is this. India should be enabled to give you even more support than it has given so far and I agree with Mr Joshi that there is not a single responsible opinion in this country today which is against the war. But I go further. I hold that a mere neutral attitude is not enough. Everybody should be for the war. In order to bring about that mentality and to encourage that attitude, it is the part of statesmanship for Government that unless they can establish a definite charge against these people, mere holding of opinion should not be penalised. If they can prove that they have done some definite act against the war, I can understand them. But mere holding of opinions in pursuance of which they have done no overt or covert act should not be considered enough to send them to jail especially at a time like this. The communists themselves were against the war in the beginning. They are now wholeheartedly in favour of the war. In fact, the resolution which they passed was unconditional and you cannot desire for a better attitude from the communists at this time. The working classes today are in your favour, not against you. The Royists and the communists are in your favour. The middle classes are in your favour. Nobody is against you. Therefore, I suggest to Government to exercise

a little more statesmanship which they did in releasing the Satyagrahi prisoners. Government found out some justification by calling it a token disobedience. I must admire the resources of the English language. When you want to release people who definitely declared that they were against the war and who were about to make anti-war speeches and who made no secret of it, you call that a token disobedience.

**The Honourable Sir Reginald Maxwell.** Symbolic

**Mr. Jamnadas M. Mehta.** Thanks. I congratulate the English language still more, but I do not congratulate you that you should take shelter behind this word 'symbolic'. It was real. The Congress people were the last men to admit that they were hypocrites, that they did not mean what they did. But here are people who have done no overt or covert action. You cannot prove it, and they have now gone further and declared their intention in the most unmistakable terms in support of the war. If a man had declared that he was against the war and to that end he would do some overt act, I won't plead for his freedom. But I do plead for the freedom of those citizens who are as keen on war effort as I am or anybody else might be. They are not the persons who should be behind the prison walls. Pacifism is not a crime. What should be a crime is the positive act of obstructing the war effort. That cannot be proved against any of these gentlemen, and therefore I would beg of the Government to accept my friend, Mr. Datta's Resolution.

**The Honourable Sir Reginald Maxwell.** Sir, when an Honourable Member moves a Resolution and asks the House to accept it as it stands, I am afraid I must hold him to its terms. This Resolution recommends the immediate and unconditional release of all political prisoners and detenus. It is not relevant to a Resolution in those terms to argue that this person or that person has changed his views or that this group or that group has declared itself to have a different attitude towards the war. The Resolution does not take into account any such things. By its terms, it means the release of all prisoners whether the attitude is satisfactory or not. He is asking the House to pass a Resolution demanding that every prisoner, however dangerous he may be still, and whether he has changed his views or not, should be released. It is, therefore, not relevant to discuss individual cases and I shall not go into those which have been mentioned.

Now, we have to try to elucidate this Resolution still further. The Resolution demands the release of all political prisoners. I have asked before now what a political prisoner is and I should like to know how widely the terms of this Resolution are to be understood. There is no definition of a political prisoner in the Indian Penal Code or in any other enactment that I am aware of. I can only suppose that what the Honourable the Mover had in mind was those who have committed offences which, according to him, have a political motive. There again we are in a difficulty. The law does not make motive the ingredient in an offence. Intention may be an ingredient, but not motive. Therefore, this Resolution is in danger of releasing a very large number of people for the possession of some motive which is not capable of determination or proof. I might ask such questions as this: would a person who had committed murder or dacoity in pursuance of a terrorist conspiracy be a political prisoner whose release would be due under this Resolution? Why not? Terrorists are

[Sir Reginald Maxwell]

supposed to commit their crimes from political motives. What about the possession of bombs and explosives? A person who is found in possession of bombs and explosives should be regarded as a political prisoner and released? Or, what about offences under the Arms Act? If a person is found in possession of unlicensed weapons kept for political reasons he is to be released under the terms of this Resolution. Or, again what about a person who commits an offence in connection with elections? Say, there is rioting during elections, elections are surely connected with political activity and if a person commits an offence, such as rioting, during the progress of an election, he becomes a political prisoner and he should at once be released under this Resolution.

**Mr Akhil Chandra Datta.** Is that all the difficulty in releasing the prisoners?

**Qazi Muhammad Ahmad Kazmi.** The Resolution may be modified if you like.

**The Honourable Sir Reginald Maxwell.** What I want to know is, can any one who claims to be taking part in a political movement commit any offence he likes? That is what the Resolution appears to mean. Many offences are committed in the name of politics. Should I, for instance, myself be a political offender if I went out into Delhi and said all the things about the Honourable the Mover that are said about the Government? If I hold him up to hatred and contempt and he brought an action against me for libel, can I plead that I was a political offender, because I disagreed with his political views?

**Mr Akhil Chandra Datta.** I shall never bring any action against the Honourable Member. I can give that undertaking.

**The Honourable Sir Reginald Maxwell.** However, if motive is to be the determining factor in this Resolution, how are we to know it? What evidence is to be produced? Can anybody search the heart of an offender and see what motive was really at the bottom of it? Ultimately it comes to this that any person convicted can give himself a certificate and say "I did this from political considerations or motives and, therefore, I am entitled to be released under the terms of this Resolution." Or, again, if motive is such an important factor in determining whether a person is a criminal or not, why do you limit this release of prisoners to persons who commit offences from political motives? Why not include religious motives? Many offences, I am sorry to say, are committed in the name of religion, in communal riots, for instance, and why is this Resolution discriminating in favour of persons who had political motives and does not also give its benefit to persons who commit offences from religious motives? Surely religion is a higher motive than politics. So, we get down to the real meaning of this Resolution, that is that those who commit offences against the State or offences calculated to impede the prosecution of the war, that those persons should be released. That is what is really in the mind of the Honourable the Mover as far as I can make out. This is the monstrous proposition which he asks this House to accept.



The assumption underlying this Resolution is that offences against the State, howevermuch they threaten the national safety, howevermuch they threaten the national existence, howevermuch misery and suffering they may cause to all his fellow countrymen, offences of that kind against the State should be regarded as less reprehensible than offences against individuals. Indeed, it is the logical implication of the Resolution that the law which makes certain things an offence against the State should be repealed altogether. There is no meaning in having a law making certain offences punishable if, on every occasion when it is used, the release of the persons convicted is to be demanded. If the sanctions of any legislation are to be withdrawn, there is no meaning in retaining it on the Statute-book.

Now, Sir, to go back to those persons who have committed offences against the State or offences calculated to impede the prosecution of the war, we had a debate at the last Session in which I explained to the House at considerable length the classes of prisoners who are involved. I explained to the House that apart from satyagrahi prisoners, there was only a limited number of such persons convicted or under detention and that they consisted only of persons whose actions were definitely prejudicial to the national safety. I gave instances to the House at that time, and I will not go over that ground again. We must take it that the persons who are still undergoing sentences or under detention fall within that category of persons whose activities are definitely prejudicial to the State. At that time, as a result of that Resolution, I promised that Government would further consider the matter and see what action could be taken as regards the reduction of the number of these prisoners. Shortly afterwards a *communiqué* was issued stating that the Government of India had reached the conclusion that those civil disobedience prisoners whose offences had been formal or symbolic in character could be set free. By executive instructions, they also explained to the Provinces, who are mainly concerned in the action to be taken, that it was intended not to limit the action to persons who had merely committed satyagraha, as it is called, or given notice of their intention to do so, but also to extend that action to persons who had accompanied the offer of satyagraha with a speech not materially adding to its substance. Therefore the widest possible construction was put on the decision of the Government and action has already been taken under it in all the Provinces. According to the latest figures which I possess, some 6,475 convicted prisoners have been released and 889 security prisoners, that is, persons detained under rule 28. So much action was taken as a result of the decision announced by the Government. The number of persons of that class now remaining in jail is very small. I think that some 400 odd persons remain serving sentences and there are about seven security prisoners, but it may be taken, as I explained at the last Session, that those were persons who had done something very much more than a formal act of satyagraha, persons for instance who had dissuaded others from recruitment and had committed various offences definitely affecting the war effort.

As regards detenues, persons detained under rule 26, the action which I foreshadowed in the last debate is in progress. The Provincial Governments have established machinery, and the Central Government are establishing machinery also, to review the cases of persons detained under their orders.

**Maulana Zafar Ali Khan**· Can the Honourable Member tell us whether these 400 odd people are dangerous?

**The Honourable Sir Reginald Maxwell**· All that I can say is that they have done something very much more than *satyagraha*, their offences are in no way symbolical

Now, as regards those persons, whether they be Communists or others, whose cases will now come under review, it is only necessary to say that if there be any person whose attitude is such that he wishes earnestly to help in the war effort, I have no desire whatever to keep him in jail. Why should Government wish to keep such a person in jail? The object of the review is to find out whether there are any such persons. But at the same time the mere fact that a certain party is such had resolved that its attitude should change would not necessarily cover all the individuals formerly associated with that party. Any review must proceed on the individual basis, we must know what the attitude of each person is likely to be. Some people may accept such a change of attitude, and some may not, and in fact I am rather given to understand that at a Cawnpore meeting of the Trade Union Congress, in which I believe my Honourable friend, Mr Joshi, was present, a Resolution was passed reaffirming the previous attitude

**Mr N. M. Joshi**· No Resolution was passed

**The Honourable Sir Reginald Maxwell**· Speeches were made at any rate, and a Resolution affirming full support of the war was I think not passed

**Mr N. M. Joshi** At the Cawnpore meeting no Resolution was passed. Every Resolution that was put before the meeting was defeated because we have a very sound rule that unless a particular Resolution has a three-fourths majority it does not pass

**The Honourable Sir Reginald Maxwell**: At the time of the last debate I made it clear what the attitude of Government was towards offences affecting the safety of the country in war. I said

"I must make it clear that political or any other motives cannot be regarded as an extenuation of offences deliberately calculated to impair the war resistance of the country or to undermine its war effort."

I said further

"The gradual improvement in the situation and the growing sense of security may have dulled recollection of the dangers which we then had to face or the nearness of the war, as it then seemed, to India. We may yet have to face similar or even worse situations and it would be a grave failure in its duty if Government were to discuss this or any other question on the assumption that any interference with India's war effort, however slight, could be ignored."

Since I spoke those words, as the House knows well, the situation which I then foreshadowed has come to pass. We have gone back to a stage at which India herself is more gravely threatened by the war than she was even in the earlier stages. And I ask the House, is this the moment to think of the release of persons whose activities are contrary to the national safety or prejudicial to our success in the war? Some of the arguments used in support of this Resolution have astonished me. It is

said that these persons must be released in order not to alienate the people, and the Honourable the Mover went so far as to say that Communists and Fifth Columnists are patriots. It is to me an extraordinary assumption that the only way not to alienate the people is to release the very persons whose activities are known to be prejudicial to the national safety. What more pitiful exhibition of defeatism could there be? While there are demands made in public that Government should do more to protect the country from the dangers of war or from the forces of disorder that may arise under war conditions, we are asked by this Resolution to stultify every action which lies with Government to prevent individuals from working against the national safety! I would ask the House seriously to consider the matter from this point of view.

There is too much loose talk about the latitude which should be given to persons whose activities either threaten the actual measures of Government for the prosecution of the war or, what is worse, threaten the morale of the people. We all know how much importance attaches to the morale of a country which is threatened by the enemy, and that importance increases as the danger draws nearer. We know too that the enemy make it their business to exploit every element of weakness in the country, anything that may cause divisions among the people or estrange them from their Government, because it is profitable to him. We know also, we have plenty of information to show, that the enemy have already spread their tentacles as far as they can over this country with the object of undermining the morale of the people. Their object is to create an atmosphere of panic or defeatism in which the national resistance will be impaired and their task will be facilitated. When I speak of morale I mean everything that contributes to the will of the country to resist and to suffer, if necessary, in defence of its principles. I mean such things as confidence in victory, confidence of the people in themselves and their leaders, courage and endurance in danger and a resolve that nothing that the enemy can do will break the spirit of the people. China, Russia and Britain have already shown the world an example of what a country can do when the morale of its people is not broken by enemy attacks, and how the preservation of that morale has saved them from very much worse dangers. Now, I am sorry to say that in this country there is much too much in the way of defeatist politics. Political movements in this country tend to advocate disaffection almost as if it were an end in itself. Many political parties regard it as their duty to act as factories for the manufacture of defeatists and Fifth Columnists. It is a small step from that kind of attitude to active collaboration with the enemy and that is what the enemy depends on. I want to point out to the House in regard to these political activities on which we are asked to look with so much leniency that it cannot be good for the morale of any country to be constantly taught to hate and distrust the Government on which its safety depends. Disaffection leads to lack of confidence, lack of confidence leads to defeatism, defeatism leads to panic in an emergency. Now, I wish the House to consider what the effects of panic will be and how they would increase the danger of the people and their sufferings in an emergency. They will increase their danger and sufferings first by undermining the morale of the people and so setting loose the elements of disorder. Where such elements are set loose—and we know that there are many disorderly elements which are waiting to take advantage of any position arising out of the war—we get such phenomena as looting and widespread disorder in

[Sir Reginald Maxwell]

the country In the second place, panic hampers the efforts of the Government to secure the maximum safety for all, instead of being able to concentrate on meeting the danger, Government have to devote their resources to steadying the people and to preventing internal disorder among them Another effect is that panic stops vital services on which the health and the comfort of the people depends, and, therefore, makes the war conditions worse And, again, panic causes people to evacuate from industrial cities, a thing which interrupts the flow of munitions and supplies to our soldiers, and thus puts them in peril and helps the enemy I want the House to regard all those who promote such things, whether consciously or unconsciously, as helping the enemy, and, therefore, as a public danger If the House realizes that, it will support Government in taking action against all those who may seek to promote panic, defeatism or disaffection or lack of confidence, instead of asking Government to release them If Government, knowing that certain activities tended in those directions, looked the other way and allowed them to go on, the country would have just cause to reproach Government with failure in their duty The public safety must come first and the idea that in order not to alienate these people, they should be allowed to have a free run for all their activities, is to me an astonishing proposition Confidence in Government will strengthen their hands and enable them to do more in protecting the interests of the whole people and securing the maximum safety for all, but, on the other hand, any denial of support only makes the task of Government more difficult and, in doing so, betrays the national interest at a time like this

**Sardar Sant Singh** (West Punjab Sikh) Why don't you make a National Government then? It will create confidence in the Government

**The Honourable Sir Reginald Maxwell:** I am not going to be diverted on to political and constitutional discussions The country has its Government

**Mr. K. O. Neogy** (Dacca Division Non-Muhammadan Rural) That is a National Government!

**The Honourable Sir Reginald Maxwell:** This country has its Government and in an emergency such as now faces us the country has got to look to its Government to take the necessary measures for its safety

**Sardar Sant Singh:** Why this Government? We take objection to this Government

**Mr. President** (The Honourable Sir Abdur Rahim) Order, order

**The Honourable Sir Reginald Maxwell:** And those persons who promote disunity among the people or disaffection or defeatism for the sake of some immediate political end are no friends of India and the House should not regard them as such There can be no question of releasing these people and giving them full liberty to pursue tactics which can only help the enemy by spreading panic throughout the country And, therefore, I wish the House to declare itself firmly on the matter of principle

embodied in this Resolution, that all political prisoners and all detenues, whatever they may have done, whatever harm they may have been engaged in, should be immediately and unconditionally released at a moment when the country stands faced with a greater peril than she has ever had to face before. If the House looks at the matter like this I think there can be only one answer to the Resolution which I, on behalf of the Government, entirely oppose.

**Nawabzada Muhammad Liaquat Ali Khan** Sir, I have listened to the debate on this Resolution very attentively. A number of issues have been raised which are really not directly connected with the subject matter of the Resolution. When I was listening to the speech of the Honourable the Mover, the impression that I gathered from his more than half an hour's speech was that he was not unequivocally wedded to the wording of the Resolution. To me it seems that the Honourable the Mover of the Resolution, while drafting it, was too enthusiastic. I hope I am not putting a wrong interpretation on his speech if I say that all that he wanted was that these persons who have been detained without trial should be placed before a Court of Law. If that really was the object of the Honourable the Mover, then I may assure him that he has my whole-hearted support and sympathy. It is to my mind inherently wrong to detain a person, to put check and restriction on his liberty without even telling him what his offence is. I know of a case where the gentleman has been detained for nearly two years now and he does not even know why he is being detained—I am referring to the case of Professor Abdus Sattar Khuri. I have received letters from him showing his complete ignorance of the facts on account of which he has been detained.

Now, in fairness to a person it is but right that he should be given every opportunity of putting his case before the Government, putting his case before a court of law before his liberty and freedom are curtailed. When Mr. Joshi during the course of his speech demanded that these gentlemen who were being detained without trial should be given an opportunity of consulting their legal advisers, so that they might be able to place their case before any tribunal that the Government might appoint, in a proper manner, the Honourable the Home Member interjected and said "Is it done in England?" May I just point out to him that it is no use giving us the analogy of England. In England the government is of the people of England, the government depends on the will of the people of England. Here, in India, we have a government which depends, which exists upon brute force. It is not the government of the people of India.

**Mr. Akhil Chandra Datta** What force is that?

**Nawabzada Muhammad Liaquat Ali Khan:** Brute force.

**Mr. President** (The Honourable Sir Abdur Rahim) I do not think the Honourable Member will be able to conclude his speech today.

**Nawabzada Muhammad Liaquat Ali Khan** I will not take very long.

**Mr. President** (The Honourable Sir Abdur Rahim) Perhaps he had better continue on the next Resolution day.

[Mr President]

Before I adjourn the House I have to inform the House that I announced yesterday that the election of members for the Standing Committees on Emigration and on Pilgrimage to the Hejaz fixed for Friday the 20th February, 1942, would, notwithstanding the fact that the official meeting for that day had been cancelled, stand as already appointed. Having regard, however, to the inconvenience to which the Members will be put in coming to the Council House for recording their votes for these committees on a day on which there is no meeting of the Assembly I have reconsidered the matter and decided that the elections for the two committees, if necessary, should be held on Monday the 23rd February, instead of Friday the 20th of February. I hope this arrangement will suit the Members.

The Assembly then adjourned till Eleven of the Clock on Monday, the 23rd February, 1942.

## LEGISLATIVE ASSEMBLY

*Monday, 23rd February, 1942*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

### STARRED QUESTIONS AND ANSWERS

#### (a) ORAL ANSWERS

†63\*—66\*.

#### ALLEGED RUDE BEHAVIOUR OF MR FORBES TOWARDS MR C M TRIVEDI

67 \*Mr Govind V Deshmukh: (a) Will the Defence Secretary please state if his attention has been drawn to the incident published in *Hitawad* and the *Bombay Chronicle*, dated the 21st January, 1942, and the *Maharashtra* of the 22nd January, 1942, concerning the rude and boorish conduct of a military officer, by name Forbes, towards Mr C M Trivedi, Chief Secretary to the Government, Central Provinces and Berar?

(b) What action, if any, has been taken against Mr Forbes, the military officer referred to above, so that he may not behave in the same rude way towards Indians who are not Government officers?

(c) Is he aware of the discontent and prejudices which such conduct creates among Indians against army officers and which may prejudice the war efforts of the Government as well as of the public?

Sir Gurunath Bewoor: (a) Government have seen the publications mentioned by the Honourable Member

(b) Mr Forbes was not a military officer, but a recently discharged corporal of the Royal Engineers. No action appears to have been taken against him by the local authorities, in view no doubt of the apology which Mr Forbes tendered to Mr Trivedi who appears to have accepted the same and treated the incident as closed

(c) Does not arise as the individual concerned in this case was not an employee in the Army

Mr Govind V Deshmukh: Are Government aware that the apology which was tendered was a forced apology in view of the fact that Mr C M Trivedi is a member of the Indian Civil Service, Chief Secretary and in charge of the police portfolio?

Sir Gurunath Bewoor: I am not aware whether it was a forced apology or a voluntary one

Mr. Govind V. Deshmukh: Is the Honourable Member aware that when he was asked to tender an apology for the first time, Mr Forbes did not agree to do so?

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†For these questions and answers, see pages 400—03 of these Debates

**Sir Gurunath Bewoor.** The information which we have got is from the public press, and I find that in the letter which the Honourable Member himself wrote to the *Hitavard*, he says 'I am sorry the incident is closed with an acceptance by Mr Trivedi of the army officer's apology'

**Mr. Govind V Deshmukh.** And I also further added that in view of the facts disclosed, the apology was not a voluntary one

**Mr. President** (The Honourable Sir Abdur Rahim) Next question

#### ACCIDENT CAUSED TO AN INDIAN LADY BY A MILITARY LORRY

**68. \*Mr Govind V Deshmukh** (a) Will the Defence Secretary please state if his attention has been drawn to the accident deliberately caused to an Indian lady travelling in a tonga by a lorry carrying military cadets referred to in *Hitavard* of the 21st January, 1942?

(b) What steps do Government propose to take in order that the conduct of the military men may be civil?

(c) Are Government aware that such actions of military men are likely to make civil population non-co-operate with them in war efforts?

**Sir Gurunath Bewoor** I am collecting the information and will lay it on the table in due course

**Mr Govind V Deshmukh** As regards part (b), have not Government ere long issued any instructions for the behaviour of the army officers?

**Sir Gurunath Bewoor** I do not know whether the accident alleged has taken place and whether the military were involved and I must await for further information before doing anything

**Mr Govind V Deshmukh.** My question is a very general one even if it has no reference to the main question I want to know whether the conduct of the military was civil Have any instructions already been issued or are being issued about this?

**Sir Gurunath Bewoor.** I deny that the conduct of the military is not civil

**Mr Govind V Deshmukh** Is this conduct of the officers referred to

**Mr President** (The Honourable Sir Abdur Rahim) Next question

#### EXPULSION OF MR SRI KRISHNA SEHGAL FROM CHERAT CANTONMENT.

**69. \*Mr Govind V. Deshmukh:** (a) Will the Defence Secretary be pleased to state whether it is a fact that one, Mr Sri Krishna Sehgal, Manager of Brij Lal Oilman Stores at Cherat Cantonment, was expelled from that cantonment by Lieutenant-Colonel G W Miller, Officer Commanding the Station, on 29th July, 1940? If so, why?



(b) Is it a fact that Mr Sri Krishna Sehgal had been living in Cherat Cantonment as a peaceful citizen for nearly 20 years before the issue of this expulsion order and that there was no police report against him?

(c) Is it a fact that Mr Sri Krishna Sehgal was called upon to show cause against his removal at once and that he wanted 15 days' time to reply after consulting his legal counsel, which time was not given?

(d) Is it a fact that the wife and children of Mr Sri Krishna Sehgal were also ordered to be expelled from that Cantonment on that very day?

(e) Is it a fact that the wife of Mr Sri Krishna Sehgal was seriously ill when the order was served and therefore could not be removed without risk to her life?

(f) Is it a fact that Mr Sri Krishna Sehgal submitted an application on the 25th August, 1940, under section 239(4) of the Cantonment Act to the Government of India, detailing the hardship to which he was subjected and asking for redress?

(g) Is it a fact that Mr Sri Krishna received no reply to the above communication till the end of the year 1941?

(h) What step or steps do Government propose to take in the matter?

**Sir Gurunath Bewoor** (a), (c), (f), (g) and (h) The Officer Commanding, Cherat made an order under section 239 of the Cantonments Act to be complied with within 48 hours as he had reason to believe that Mr Sehgal was likely to do such an act as was likely to cause disloyalty, disaffection or breach of discipline amongst His Majesty's forces. On receipt of Mr Sehgal's application under section 239(f) of the Act, the District Magistrate Peshawar was called on to make an enquiry as prescribed in that section and no occasion to reply separately to Mr Sehgal arose.

During the course of the enquiry, Mr Sehgal obtained a decree in the court of the Sub Judge, Nowshera, declaring the expulsion order *ultra vires* and restraining the Officer Commanding, Cherat, from enforcing it. In view of this decree which rendered the order of the Officer Commanding inoperative, the enquiry by the District Magistrate was not pursued and no further action was taken or is proposed to be taken by the Government of India on Mr Sehgal's application.

(b) As regards the first part, Government have no information, the reply to the second part is in the negative.

(d) The family of Mr Sehgal were included in the order. Government understand that the order against them was never enforced but that about four months later, after the institution of the suit by Mr Sehgal, they left the cantonment of their own accord.

(e) Government have no information.

**Mr Govind V. Deshmukh:** May I know, Sir, why the family of Mr Sehgal was included in the order? Was that family also spreading disaffection?

**Sir Gurunath Bewoor** Sir, it was a mistake

**Mr. Govind V Deshmukh** I am glad to know it. But may I know Sir, whether, in view of the fact that the family also was wrongly included in the order, any amends were made by Government?

**Sir Gurunath Bewoor** The order was never enforced

#### REPRESENTATION OF INDIA ON THE PACIFIC WAR COUNCIL, LONDON

**70 \*Mr Govind V Deshmukh** Will the Defence Secretary please state if any steps were taken by the Government of India to secure representation for India on the Pacific War Council established in London? If so, has India got it? If not, why not?

**Sir Gurunath Bewoor** This question should have been addressed to the Honourable the Leader of the House, but the Honourable Member is aware that what he desires has already taken place

**Mr K C Neogy** May I know, Sir, whether this representation has been secured as a result of any representations made by the Government of India?

**Sir Gurunath Bewoor** As I have said, the question should have been addressed to the Honourable the Leader of the House, and if the Honourable Member wants any further information on this subject, he should put a question to him

#### PAUCITY OF HINDU AND MUSLIM PREVENTIVE OFFICERS AT CHITTAGONG CUSTOMS HOUSE

**71 \*Shaikh Rafiuddin Ahmad Siddiquee** (a) Will the Honourable the Finance Member be pleased to place on the table of the House a statement showing the total number of preventive officers in employ at the Chittagong Customs House showing the number of Hindus, Muslims, Anglo-Indians and native Christians separately and the pay drawn by them at present and the date of their appointment?

(b) Is it a fact that the total number of posts held by the Hindus and Muslims is less than half the total posts held by the Anglo-Indians and Christians alone? If so, will the Honourable Member be pleased to state what that is due to?

(c) If the answer to first part of part (b) above be in the affirmative, are Government prepared to give the legitimate shares of the quota to Hindus and Muslims in the services mentioned above in future? If not, why not?

**The Honourable Sir Jeremy Raisman** (a) A statement is placed on the table

(b) No, Sir

(c) Does not arise

*Statement showing the number of Preventive Officers employed in the Chittagong Customs House*

No	Names	Caste or Race	Date of appointment to Customs service	Present Pay	Remarks
				Rs	
1	Mr D E Wallace (Chief Inspector)	Anglo	10th Aug 1912	300	These appointments were made when the communal quota was not observed
2	" T J Dougherty (Inspector)	Indian	27th Feb 1914	260	
3	" P A Baptist	Do	17th Feb 1917	250	
4	" G A Paul	Do	24th July 1923	250	
5	" Nurul Huq	Muslim	1st March 1928	230	
6	" K P Chakravaty	Hindu	1st Feb 1928	220	
7	" E Gonsalves	Anglo	3rd Oct 1928	210	
8	" A E Xavier	Do	1st Feb 1930	210	on deputation to the port of Calcutta
9	" B K Roy	Hindu	1st June 1932	145	
10	" Md M Hossain	Muslim	1st Sept 1932	145	
11	" M A Rahim	Do	26th Nov 1934	135	
12	" J C Sen	Hindu	6th Jan 1936	130	
13	" B E Williams	Anglo	3rd June 1937	120	
14	" K Shamsuzzoha	Indian	1st Dec 1937	120	
15	" P Gonsalves	Muslim	Do.	120	Temporary sanction by Collector
16	" Nurul Islam	Anglo	9th Feb 1938	120	
17	" J H McGowan	Muslim	17th March 1941	100	
18	" I C Halge	Anglo	2nd Jan 1942	100	
19	" G Hamilton	Do	17th Jan 1942	100	
20	" G P Das Gupta	Indian	2nd Feb 1942	100	
21	" A De	Christian	2nd Feb 1942	100	
22	" Md Abdul Halim	Muslim	26th Jan 1942	100	Temporary sanction by Collector
23	" C M Banerji	Hindu	6th Feb 1942	100	
Nos 1 to 8—					
	Hindu	1			
	Muslim	1			
	Anglo Indians	6			
		8			
Nos 9 to 23—					
	Hindus	4			
	Muslims	5			
	Anglo Indians	5			
	Indian Christian	1			

(one P. O. is on deputation to the Port of Calcutta).

**PAUCITY OF MUSLIM PREVENTIVE OFFICERS AT CHITTAGONG CUSTOMS HOUSE.**

72. \*Shaikh Rafiuddin Ahmad Siddiquee\* Is the Honourable the Finance Member aware that four vacancies occurred in the preventive service during the last six months in the Chittagong Customs but not a

single Muslim was appointed although Muslim candidates with high academic qualifications, physical and military training were available?

**The Honourable Sir Jeremy Raisman** The Honourable Member's information is not correct. One Muslim was appointed.

#### PAUCITY OF MUSLIM PREVENTIVE OFFICERS AT CHITTAGONG CUSTOMS HOUSE

**73 \*Shakh Rafiuddin Ahmad Siddiquee** Will the Honourable the Finance Member please state the reasons for not appointing a single Muslim in any of the posts of Preventive Officer which occurred during the last six months in the Chittagong Customs?

**The Honourable Sir Jeremy Raisman** Does not arise in view of the reply given to question No. 72.

#### AIR RAID PRECAUTIONS ARRANGEMENTS IN DELHI

**74 \*Sir Syed Raza Ali** (on behalf of Dr. Sir Ziauddin Ahmad) (a) Will the Honourable Member for Civil Defence please state what Air Raid Precautions arrangements have the Government of India made in Delhi?

(b) Have they provided tube wells in New Delhi if so, how many?

**The Honourable Sir Reginald Maxwell** (1) About 3,700 warden have been enrolled to date and 21 training centres have been arranged. 20 first aid posts, 12 first aid tramcar units and 1 mobile first aid unit have been organised and the staff are under training. 20 rescue parties have been organised and are under training. Government has recently sanctioned the engagement of two paid wardens for each of the 140 wardens' posts of the area and the engagement on a paid basis of 25 per cent of the other services. The construction of a Combined Depot has commenced and it is expected that it will be completed in a month. An Air Raid Precautions headquarters and control room is also under construction and is expected to be ready in a month.

(b) Not yet. But a scheme for the provision of tube wells on public ground is under consideration.

#### ARREST OF MR SARAT CHANDRA BOSE

**75 \*Dr P N Banerjee** (on behalf of Mr Anarendra Nath Chattopadhyaya) (a) Will the Honourable the Home Member be pleased to state when the Government of India got for the first time information about the complicity of Mr Sarat Chandra Bose with Japan, and what period was allowed to intervene between the date of receiving the first information and the date of his arrest, i.e., 11th December, 1941?

(b) Will the Honourable Member be pleased to state if he had received any fresh evidence of Mr Sarat Chandra Bose's criminal or political activity before his arrest? If so, what sifting enquiries were made with a view to substantiate the alleged charges? If not, will the Honourable Member be pleased to lay on the table a statement showing his reasons for his arrest, or will he place all the papers relating to the alleged suspicion leading to the arrest of Mr Sarat Chandra Bose before the Members of the Governor

General's Expanded Executive Council? If not, what steps does he intend to take to allay the feeling of the public?

**The Honourable Sir Reginald Maxwell** (a) and (b) The Government of India are not prepared to add to the communiqué issued by them at the time of the arrest of Mr Sarat Chandra Bose

**Dr P N Banerjee** Will the Government of India consider the advisability of placing the papers before a tribunal of High Court Judges?

**The Honourable Sir Reginald Maxwell** I have already answered that on a previous occasion

**Mr K O Neogy** The answer having been to the effect that this will engage the Honourable Member's consideration may we know the result of that consideration?

**The Honourable Sir Reginald Maxwell** I did not say when it will engage the consideration of the Government

#### CURTAILMENT OF MOHARRAM PROGRAMMES AT BROADCASTING STATIONS

**76 \*Sir Syed Raza Ali** (on behalf of Dr Sir Ziauddin Ahmad) Will the Honourable Member for Information and Broadcasting please state

- (a) whether it is a fact that the Controller of the All India Radio had directed the Directors of the stations of the All India Radio that Moharram programme should not exceed half an hour this year,
- (b) whether Government are aware that the tragedy of Karbala is celebrated all over the world and naturally Musalmans in India and in the fighting service, abroad must have eagerly awaited to listen to the programmes regarding the tragedy of Karbala,
- (c) whether Government are aware that this year the 18th centenary of the martyrdom of Hazrat Imam Husain was celebrated all over the world and so the Moharram of this year was of particular importance,
- (d) whether Government are aware that in the well-known illustrated weekly, the *Din Duma* of Delhi, appeared a very bitterly-worded editorial comment, in its issue, dated the 25th January, and reproduced by the *Munadi*, Delhi, in its issue (page 8) dated the 1st February in which editorial the *Din Duma* had written that up to the 7th Moharram (25th January, the date of its going to the press) no programme commemorating the tragedy of Karbala was broadcast from the Delhi Station of the All-India Radio, and in its stead most obscene songs were radiated from that station,
- (e) if it is a fact that Khwaja Hasan Nizami published a hand-bill on the 11th Moharram (29th January) under the caption *Gham-i-Husain Ki-Tauhin* (insult of mourning for Hazrat Husain), copies of which were disseminated all over India, and were also sent to the Controller of the All-India Radio and the officials of the Delhi Station of the All-India Radio, and other All-India Radio stations,

- (f) if it is a fact that Khwaja Hasan Nizami wrote another article in the *Munadi*, Delhi, in its issue of the 1st February, under the caption *Delhi Radio par Da'we* (filing of suits against the Delhi Radio),
- (g) whether Government are aware that the hand-bill of the 29th January was reproduced by the three well known dailies of Delhi—the *Anjam*, the *Payam*, and the *Wahdat*, and all the Shia and Sunni Mussalmans of Delhi showed their resentment and anger at the attitude of the Delhi Radio Station, and
- (h) whether Government are aware that in his article Khwaja Hasan Nizami has alleged that the Delhi Radio did not broadcast any programme regarding the tragedy of Karbala on the 9th and 10th of Moharram (27th and 28th January), the two main days of the tragic events, but that they broadcast two objectionable Radio Plays on both these days, viz "Exploits of Gulbaz Khan", a humorous play on the 27th January (page 73 of the *Indian Listener*), *Yahan Husn Bikta Hai* (Here is sold Beauty) another play on the 28th January (page 77 of the *Indian Listener*), and thus insulted the Mussalmans?

**The Honourable Sir Reginald Maxwell** (a) No

(b) Government are aware that Moharram is observed as an important religious occasion by Muslims and that broadcasts concerning it are likely to be of interest to Muslim listeners

(c) Government have no information on this point

(d), (f) and (h) Yes The allegations made in parts (d) and (h) are, however, not correct

(e) Yes The hand bill was sent to some officials of All-India Radio

(g) The text of the hand-bill was reproduced in some Delhi papers Government are not aware of any resentment on the part of the public

**Sir Syed Raza Ali.** Will the Honourable Member state whether Government are aware that hitherto it had been the practice in the Delhi Radio to have a Moharram programme which extended to one hour, and what was the reason of this being given up this year?

**The Honourable Sir Reginald Maxwell** The actual programmes arranged at Delhi for Moharram broadcasts were, on the 18th January, 55 minutes, 28th January, 55 minutes, and 28th January, one hour and thirty-four minutes

**Sir Syed Raza Ali.** Is the Honourable Member aware that the facts supplied to him are wrong? As a matter of fact, the programme, as printed in the *Indian Listener* for the 27th and 28th January is important. In reality there is no Moharram programme. The heading of the programme for the 27th is "Exploits of Gulbaz Khan", and that for the 28th, is "Yahan Husn Bikta Hai", which means, "Beauty is sold here", and I believe Honourable Members know what that means. Is the Honourable Member aware of the facts?

**The Honourable Sir Reginald Maxwell:** If the Honourable Member is relying on the *Indian Listener*, I should explain that the programmes which

are advertised in the *Indian Listener* are planned about three months in advance. On this occasion, 19th January was calculated to be the probable date of the appearance of the moon, and special programmes were accordingly arranged for the 23rd and 29th January. It is thus true that no programmes were advertised in the *Indian Listener* for the 9th and 10th day of Moharram, 27th and 28th January, and that has probably given rise to some misunderstanding. But special Moharram programmes were actually broadcast on the 18th, 23rd and 28th as the moon appeared on the 18th, and some readjustment of programmes became necessary.

**Sir Syed Raza Ali:** Will the Honourable Member state as to whether any literary men or any men interested in religion were invited to give any talk on the Delhi Radio?

**The Honourable Sir Reginald Maxwell:** I should require notice of that.

**Sir Syed Raza Ali:** Will the Honourable Member state whether it is the duty of the Director or the Director of Programmes to prepare a programme for Moharram and other important occasions, on which public men are invited to give talks? Whose duty is it to prepare such programmes?

**The Honourable Sir Reginald Maxwell:** The whole organisation prepares programmes in accordance with the requirements of the general public and all sections of the public.

**Sir Syed Raza Ali:** Can the Honourable Member state whether any programme officer connected with the All-India Radio is in touch with literary, religious or other circles that are competent to give advice?

**The Honourable Sir Reginald Maxwell:** I am quite sure. That is the whole business of the All-India Radio to be in touch with all sections of opinion and they do their best to cater for their requirements.

**Sir Syed Raza Ali:** May I know what steps any officer has taken to be in touch with Muslim public opinion in connection with last Moharram? Can the Honourable Member state any particular steps taken on that occasion?

**The Honourable Sir Reginald Maxwell:** No. I am not in a position to answer that without going into the private diaries of all the officers concerned.

**Sir Syed Raza Ali:** Is the Honourable Member aware that on the 27th and 28th January, which were the crucial dates in connection with the Moharram, the All-India Radio at Lucknow, Peshawar, Bombay and Lahore devoted a fairly good portion of their time to broadcasting the Moharram programme? Is the Honourable Member aware of that? The crucial dates were the 27th and 28th, and not the 19th January.

**The Honourable Sir Reginald Maxwell:** I have not got information as to the exact dates on which programmes were broadcast from other stations. The question related to Delhi.

**Sir Syed Raza Ali** May I know whether the Government will make any enquiries as to what led the All India Radio, Delhi, which is the home of Hindustani, to discard the Moharram programme on the 27th and 28th January?

**The Honourable Sir Reginald Maxwell** I gather it was due to the behaviour of the moon.

**Sir Syed Raza Ali** No, it was not. I am asking about two days, 27th and 28th. The 27th January, whether the moon appeared on the 29th or 30th of the lunar month, will be a crucial date. Does the Honourable Member himself know that 27th would be a crucial day in any case? Is the Honourable Member aware of the fact?

**The Honourable Sir Reginald Maxwell** I gather that 28th was the important date, 27th less important.

**Sir Syed Raza Ali** I am asking about the 27th.

**The Honourable Sir Reginald Maxwell** Owing to the rearrangement of the programme no special programme was given on the 27th.

(Sir Syed Raza Ali rose to put another supplementary question.)

**Mr President** (The Honourable Sir Abdur Rahim) Next question. The Honourable Member has exhausted the subject.

**Sir Syed Raza Ali** May I put this last question with your permission? Will the Honourable Member be pleased to make enquiries as to what led the All India Radio, Delhi, to discard both the important dates, namely, 27th and 28th? I just want to know whether the Government are prepared to make an enquiry.

**The Honourable Sir Reginald Maxwell** There was no discarding on the 28th. I have already said that the programme given on the 28th was for one hour and thirty four minutes.

**Mr President** (The Honourable Sir Abdur Rahim) Order, order. Short notice question.

**Dr P N Banerjee** Will the questions fixed for the 20th be answered today?

**Mr President** (The Honourable Sir Abdur Rahim) I understand the answers to those questions will be printed.

#### TRANSFERRED STARRED QUESTIONS AND ANSWERS †

##### DESIRABILITY OF GETTING CERTAIN ARMY DEPARTMENT FORMS PRINTED IN GOVERNMENT PRESSES

63 \***Mr Amarendra Nath Chattopadhyaya** (a) Will the Labour Secretary please state whether it is not a fact that the Government of India have

†The meeting of the Assembly that was to be held on the 20th February 1942 having been cancelled, the answers to starred questions for that day were, in pursuance of convention, laid on the table of the House today.—Ed. of D



five well equipped efficient presses—two presses in Calcutta, one in Simla, one in Delhi and one in Aligarh?

(b) Is it not a fact that Mr H I Macdonald Special Officer, Central Revision Section, Army Department, Government of India, in his note dated the 3rd July, 1931, expressed the desirability of the printing work being done preferably at the Government press than at any private press on economic grounds?

(c) Is it not a fact that the rates of private firms for printing and binding the Army Department Training Manual and Army form Nos 64 M and 64 are considerably higher than those of the Government press?

(d) Is it not a fact that the Government of India received copies of the Resolutions passed in the India Press Employees' Conference held in Calcutta in July 1926 under the presidency of Mr T C Goswami, then a Member of the Central Legislative Assembly, as well as in the second session of the said conference held in Calcutta in August 1927, under the presidency of the Honourable Syed Muhammad Padshah Sahib and moved by the Government Press employees that the present practice of giving work of printing and binding to outside presses was detrimental to the interests of the Government Press employees and that the Government of India and the Provincial Governments ought to abandon the practice as early as possible?

(e) Is it not a fact that the Binders of the Government of India Press, Calcutta are very eager to do the jobs, i.e., Army Book, 61 M and 64 and applied to the Manager, Government of India Press, Calcutta, requesting him to allot the work to them?

(f) If the reply to parts (a) to (e) be in the affirmative, will the Honourable Member be pleased to state why Government undertake to get the work done by private printing firms on contract basis?

**Mr H C Prior** (a) Yes

(b) No such note can be traced

(c) No

(d) Yes

(e) Yes

(f) Only such work is given to private presses as cannot be done in the Government of India Presses with their existing equipment and staff

#### ALLEGATIONS AGAINST OFFICIALS OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA

**64 \*Mr. Amarendra Nath Chattopadhyaya** (a) Will the Labour Secretary please state whether it is not a fact that Government received letters from the Press Employees Association, Calcutta, addressed to the Secretary, Department of Labour, Government of India, through the Controller, Printing and Stationery, Government of India, and through the Manager, Government of India Press, Calcutta dated the 13th May and 14th August, 1941, regarding serious allegations against some officials of the Government of India Press, Calcutta?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the contents of the letter, and what action they have taken in the matter or intend to take in the matter? If not, why not?

**Mr H O Prior** (a) and (b) With the permission of the Chair, I propose replying to both parts of his question together. Of the two letters from the Press Employees Association, Calcutta, Government have so far received the one dated the 14th August, 1941. In that letter the Association made two allegations in regard (1) to the method of recruitment of Compositors in the Government of India Press, Calcutta and (2) over-payments made to certain machinemen in that Press. The above allegations have been examined by the Government of India with the result that there is no truth in the first allegation and that over payments made in certain cases arose out of a misunderstanding of the rules by the official concerned. Steps are being taken to recover over-payments made and the authorities responsible for such payments are being dealt with.

#### PROPOSED REDUCTION OF CULTIVATION OF SHORT AND FAIR STAPLE COTTON

**65. \*Mr Amarendra Nath Chattopadhyaya** (a) Will the Honourable the Commerce Member be pleased to state if it is a fact that the Central Cotton Committee has decided to request the Government of India to urge Provincial Governments and States to reduce the cultivation of short and fair staple cotton by 50 per cent minimum? If so why?

(b) Is it not a fact that there is a shortage of yarn at present in India and the effect of such reduction of cultivation of short and fair staple cotton will be to increase the shortage of yarn?

(c) Is it a fact that short staple cotton and fair staple cotton have no market in India? If so, is there no possibility of creating a market for such cotton in India?

(d) In case Government decide, according to the resolution of the Central Cotton Committee, to reduce the acreage of cultivation of short and fair staple cotton, what alternative crops have been decided by Government to substitute for cotton in different Provinces?

**The Honourable Dwan Bahadur Sir A Ramaswami Mudaliar** (a) Government have seen the resolution passed by the Indian Central Cotton Committee regarding the curtailment of acreage under short and fair staple cotton.

(b) The Government of India do not think that the reduction in cultivation of short and fair staple cotton which they have in view will tend to increase the existing shortage of cotton yarn of fine counts.

(c) There is no possibility of marketing within India the entire quantity of short staple cotton which has lost its usual market in the Far East.

(d) The question of alternative crops is being considered in consultation with the Provincial Governments and States concerned. The leading candidates are foodstuffs and long staple cotton.

#### FORMATION OF A NATIONAL GOVERNMENT RESPONSIBLE TO LEGISLATURE

**66. \*Mr. Amarendra Nath Chattopadhyaya** Will the Honourable the Leader of the House be pleased to state if the Government of India have considered the attitude of the Indian National Congress, as has been

manifested by the resolution of the Working Committee and the All-India Congress Committee, and if he is prepared to recommend to His Excellency the Governor General, the formation of a National Government responsible to the Legislature?

**The Honourable Mr M S Aney** I think that if the Honourable Member again examines the resolutions referred to, he will find that he is mistaken in the interpretation which he appears to place upon the present attitude of the Indian National Congress. On the second part of the question, I am not in a position to disclose to the House the attitude of the Government of India on matters for which His Majesty's Government remains responsible. The Honourable Member is not entitled to enquire as to the individual opinion of Members of His Excellency's Executive Council. If the Honourable Member wishes to impress his views on the Government of India and His Majesty's Government, no doubt he will place a Resolution on the subject on the order paper of the House.

### SHORT NOTICE QUESTION AND ANSWER

#### DEFENCE OF THE EASTERN BORDERS OF INDIA

**Qazi Muhammad Ahmad Kazmi** (a) Will the Defence Secretary please state whether, in view of the fall of Singapore, and the progress of the enemy northwards and eastwards, any preparations have been made for the defence of the Eastern borders of India?

(b) Have any preparations been made against the apprehended aerial bombardment of Calcutta, Madras, Patna, Allahabad and Cawnpore?

(c) Have any anti-aircraft guns been provided in any of these cities? If so, in which of them and how many?

(d) Have Government made any provision for the supply of anti-aircraft guns, and what number they would be able to collect within the near future?

(e) Have any arrangements for the manufacture of anti-aircraft guns been made in India? If so, what is the approximate quantity that is expected to be produced? If not, have Government in contemplation manufacture of the same?

(f) Have Government got a supply of fighter planes in India for checking the advance of enemy bombers?

(g) Have any arrangements been made for the manufacture of planes and ammunition for this emergency? If not, have Government under contemplation any such scheme?

(h) In addition to anti-aircraft guns and fighter planes what other defences Government have under contemplation against these inroads?

(i) Have Government considered the advisability of making a large scale preparation for the construction and manufacture of arms, ammunition, planes and anti-aircraft guns in India? If so, at what stage of the preparation are they?

**Sir Gurunath Bewoor:** (a) to (i) All steps that are possible have been, and are being, taken for the defence of India against the threat from the East, but I regret I am unable to give the House the detailed information which the Honourable Member desires, as it would certainly not be in the public interest to do so.

**Sir Syed Raza Ali.** Will the Honourable Member state in general terms as to what are the steps taken to safeguard the security of India, without disclosing any information that may be of use to the enemy?

**Sir Gurunath Bewoor** I regret I am unable to reply to the very definite question put by the Honourable Member

**Mr K C Neogy** Will the information sought for be available to this House in case a secret Session, as has been asked for, is held?

**Sir Gurunath Bewoor** That is a hypothetical question

**Qazi Muhammad Ahmad Kazmi** So far as the manufacture of aeroplanes and anti-aircraft guns are concerned, may I know whether any preparations are being made for their construction or not? That is a question which, I think, can be disclosed without any danger to public peace or without danger of the information reaching the enemy

**Sir Gurunath Bewoor** I do not think I can give the details

**Mr Lalchand Navalkar** May I know

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member is unable to answer these questions

**Mr Lalchand Navalkar** I would ask only one question—whether he will take us into confidence when a secret Session is held?

**Mr President** (The Honourable Sir Abdur Rahim) No The Honourable Member had better wait till the secret Session is held I do not know what the Government will say then

## MOTION FOR ADJOURNMENT

### ARRESTS IN THE PUNJAB FOR PROTESTS AGAINST THE GENERAL SALES TAX ACT

**Mr President** (The Honourable Sir Abdur Rahim) I have received notice of a motion for adjourning the business of the House from Maulana Zafar Ali Khan who wants to discuss an urgent matter of definite public importance, namely "the grave situation created in the Punjab by wholesale arrests of traders, members of Legislative Assembly, representatives of the Press and members of other public bodies under the Defence of India Rules for making protests against the policy of the Punjab Government in promulgating the General Sales Tax Act"

I understand that the Punjab Assembly is sitting from today Besides it is a local affair and I have held in similar cases that if the Police and the Magistracy have been acting in accordance with certain orders issued under the Defence of India Rules, it is not for this House to interfere

**Maulana Zafar Ali Khan** (East Central Punjab Muhammadan) The Defence of India Act is being used for purposes for which it was never intended

**Mr. President** (The Honourable Sir Abdur Rahim) That may be That question ought to be raised in the Punjab Assembly

**Maulana Zafar Ali Khan.** The members of the Punjab Assembly are being arrested The whole of the Punjab is being gagged and a reign of terror is being created

**Mr President** (The Honourable Sir Abdur Rahim) That is the Honourable Member's opinion but I think the Honourable Member will find that there are plenty of members in the Punjab Assembly ready to speak on this subject

The motion is disallowed

### SECRET SESSION OF THE LEGISLATIVE ASSEMBLY

**The Honourable Mr M S Aney** (Leader of the House) Sir, I have received a request backed by a large number of Honourable Members for the holding of a secret meeting of the Assembly, at which the present war situation could be discussed with greater freedom and at which more information could be given by Government spokesmen than would be possible under normal conditions Government welcome this proposal and provided that you, Sir, will be prepared to exercise your power under Standing Order 36 to order the clearing of the galleries during the discussion of a formal motion for the consideration of the war situation and also to direct with reference to Standing Order 75 that no report of the proceedings on that motion should be prepared or published, I propose to table such motion for discussion on Friday next

**Mr President** (The Honourable Sir Abdur Rahim) I believe the proposal made by the Honourable the Leader of the House will find acceptance from the Members

**Several Honourable Members.** Yes, yes

**Mr President** (The Honourable Sir Abdur Rahim) I shall, therefore, in exercise of the powers given to me, order the galleries to be cleared on that day when the motion is going to be moved with the exception of the gallery for the Council of State, and I shall also direct that the proceedings be not taken down, recorded or published

**Mr N M Joshi** (Nominated Non-Official) May I ask one question of the Honourable the Leader of the House? If the time allotted is found to be insufficient, will he be in a position to give another day, because there are a number of Members who would like to speak on this subject

**The Honourable Mr. M. S. Aney.** The secret Session is intended to be confined to one day I wish to add that it would not be possible for the Government to allot more than a day for this purpose The Members might make such arrangements for arranging the debate that all that they have to say can be brought out within the speeches of a few selected Members.

**Mr K O. Neogy** (Dacca Division Non-Muhammadan Rural) May I make a suggestion in connection with the procedure that may be followed for the purpose of discussing this very important question? My suggestion is that not merely should there be a general discussion such as Honourable Members occupying the Government Benches have in mind but that short notice questions should be accepted by Government for being answered for the purpose of eliciting important points of fact on the basis of which alone we on this side of the House can effectively participate in a discussion of this character

**The Honourable Mr M S Aney** It is not for me to say whether the Members should be allowed to put short notice questions or not but this secret meeting is being held to discuss the war situation on a definite motion that will be placed by the Government before this House and I believe that questions which the Honourable Members want to raise by means of short notice questions can certainly be touched upon by them in the course of the observations they have to make in discussing the motion before the House and the Government will be in a position at the end to give a reply to the questions thus raised in the course of the debate

**Qazi Muhammad Ahmad Kazmi** (Meerut Division Muhammadan Rural) Will it be necessary to send formal short notice questions?

**Mr President** (The Honourable Sir Abdur Rahim) I think what the Leader of the House has suggested is the procedure adopted in the House of Commons when a secret Session is held. I think that will suit the Honourable Members and as far as possible Government will, I believe, answer questions that they are in a position to answer

## THE RAILWAY BUDGET—GENERAL DISCUSSION

**Mr President** (The Honourable Sir Abdur Rahim) The House will now proceed with the general discussion of the Railway Budget. Following the practice which has been followed in the past, I fix 20 minutes for each speaker, except the speaker on behalf of Government who shall have 45 minutes and, if necessary, more

**Mr Akhil Chandra Datta** (Chittagong and Rajshahi Divisions Non-Muhammadan Rural) During the last Session, 20 minutes was fixed in the first instance and, later on, at the suggestion of Mr Aney, the time was extended

**Mr President** (The Honourable Sir Abdur Rahim) The discussion will last for only one day and as there are a number of speakers who wish to speak, I must ask Honourable Members to confine themselves strictly to 20 minutes

**Mr Akhil Chandra Datta:** The budget before us is a surplus budget. That surplus is not an ordinary surplus, but a phenomenal surplus. Therefore, in ordinary course it should be a matter for congratulation but at the same time a mere surplus is not a matter for congratulation

in the case of the Railway Budget. The Railway Budget has sometimes been described as a balance-sheet, and when, on a certain occasion, there was a surplus budget, it was described as "a remarkable balance-sheet". My submission is that this characterization of the budget as a balance-sheet discloses a wrong conception of the functions of the Railway Administration. The railway system is not a mere money-making concern. It is a public utility concern and the success of the administration of the railways should not depend upon merely earning a large profit. There are certain tests according to which I should like to form my own judgment as to whether the year's working is really a matter for congratulation or not. The question is this: Has the railway system, during the year under review, served the trade and industry as it ought to? Has the system given proper facilities for the commerce and industry? That is one test. Another test is: How has it served the public at large? For instance, has it served properly the third class passengers who are the real masters of the railway system and not the first class or second class passengers. It is the third class passengers from whom the bulk of the revenue comes. The question is whether the old grievances of the lower class passengers have been redressed. My most emphatic answer is "no". Another test is whether the employees of the railway system, though whose efforts and loyal working the railways have earned this surplus, have been properly treated, whether they are properly paid and treated and whether they are a contented lot. Another test is—and it has become very important now—whether the system has become self-contained and self-reliant and whether the engines, locomotives, etc., are now being produced in India. That question has become more important now than it was before. Then, another test is whether the system has been Indianised or is being Indianised with proper speed. Has a serious and sincere attempt been made to make the system an Indian system?

Now, Sir, there is yet another matter which is very important these days, namely, whether the number of Railway accidents is on the increase or on the decrease. That is another very important test. Unfortunately, the general feeling is that it is extremely risky to travel by railways nowadays. It is very regrettable and unfortunate that almost immediately after the acquisition of some of the railways there have been some accidents. I should not like to be uncharitable to the Administration in this matter as it may be a matter of mere chance, but all the same the number of accidents is so large these days that it is time that a very proper plan and scheme ought to be evolved under which these accidents may be reduced.

Unpunctuality of trains, the detention of trains in the midst of a journey, habitual late arrival, these are matters of almost everyday occurrence and these things should also be considered as factors as to whether the administration is efficient or not. On the whole, the real question is: Has the system rendered loyal service to India and to Indians? That is the test by which we ought to judge as to whether the year's working has been successful or not.

As regards the surplus, I am quite sure that the alleged surplus is not a real surplus. The surplus is due to the war, to the movement of troops, due to military traffic and to exodus due again to the war. If that is the way by which the surplus has been earned, then the real position is this: It is really a transfer of funds from the general revenues. If all the expenditure on defence has been met from the general revenues of the

[Mr Akhil Chandra Datta ]

country, then the position is this. It is a transfer of funds from one pocket of the Government to another. The surplus comes from the general revenues. After it comes to the railway revenues, it goes back. As regards the allocation of the surplus, the bulk of it goes back to the general revenues. In other words, it is merely a book entry. If the surplus had been earned, quite apart from the results of the war, then it could be said that it is a real surplus.

Now, Sir, the proposed allocation is justified on the ground that it obviates the necessity of new taxation to meet the cost of the war. That raises the old question, the question of loan *versus* taxation, whether the war expenditure should be met by loan or by direct new taxation. That is an old question and I should not like to dilate upon it. Our case has been and is that the present generation has already been very greatly lit. They should not alone be saddled with the cost of the war. The future generation will reap the full benefit of the war, if there is a benefit at all for which they are hoping. On that ground I say that all war expenditure should be met more by loan than by taxation. In fact, as was very properly remarked by Sir William Acworth, railways should not be treated as the milk cow of the State. After all, it is very doubtful whether the railways should be required to pay arrear contribution to the general revenues under the present state of things, which I need not describe at length. My submission is that the surplus should be utilised for building up substantial reserves for the future and to make up the loss which is sustained during the war.

Now, Sir, one of the greatest complaints against the railway system at the present moment is the difficulty of wagons and transport difficulties. The munitions industry is the largest industry at the present moment and wagons are needed for the supply of munitions and armaments for war purposes.

Now, Sir, in modern wars, foodstuffs, cotton, cotton piecegoods and such other articles are all munitions of war and if owing to shortage of locomotives and wagons, it is not possible to move all this stuff at the right time to the proper place, the country is bound to suffer. I, therefore, submit that the Government should see that no further depletion of wagons or locomotives from the present stock takes place. I want to emphasise the point that shortage of wagons has resulted in disorganising trade and industry in many directions. For instance, thousands of bags of sugar are lying at certain stations for being despatched to their destinations where they are badly required. The same is the case with cotton which is required by mills both at Ahmedabad and Bombay. The same is the case with coal which is required both by railways and mills and other factories. They were badly required by consumers when prices were soaring high and they were made to soar still higher by profiteers. All these could be easily avoided, if we have had sufficient number of wagons and locomotives. This is a matter which, at the present moment, deserves the greatest attention of the Honourable Member for Communications.

Now, Sir, as regards increase of fares and freights, this has been described by the *Statesman* as one of the most distasteful surprises of this budget. The increase of traffic is no ground for increasing fares and freights, rather it is a ground for decrease. I do feel that the railway system, in view of the fact that they have taken advantage of the difficult



situation, can be charged with "profiteering" when they propose to increase fares and freights. It is after all a temporary windfall and it should be no ground or justification for increase of fares and freights permanently. It has been suggested that this is justified by the law of supply and demand. I should not like to judge the railway system by shopkeeper's instinct of demand and supply and taking advantage of the situation to earn as much profit as possible. That is profiteering pure and simple—a vice which cannot be tolerated even in ordinary business concerns. My final submission on this question is: is this the proper time when the people are already overburdened in so many different ways, is this the time for increasing the fares and freights? On this question, I have got the verdict of the Honourable the Railway Member himself. He first says

"In the present situation there are strong arguments for a substantial increase in passenger fares."

Then he gives all his arguments *ad sensum*. Having given those arguments, his conclusion is this

"We have weighed these arguments with the attention they deserve but have come to the conclusion that we should stay our hands in the matter of imposing a general increase. The need for this may become more apparent as time goes on, but we are anxious to avoid any undue increase of cost to the railway users. If railways followed the practice of many industrial and commercial firms, they could at the present moment secure very large increases in revenue and at the same time ease their own difficulties considerably by imposing increases which would effectively curtail the demand."

Then the Honourable Member says

"But we are satisfied that this would not be in the public interest."

Sir, I lay emphasis upon his own conclusion, and I say that this increase is not in the public interest.

The next important question that ought to receive attention of the House is the question of dismantling of railway lines in different parts of the country. We now know what use is made of those lines. They are sent overseas in the different theatres of war for the prosecution of war. So far as the object is concerned, there can be no difference of opinion. If these railway lines are dismantled and if they are used for the prosecution of war, there can be no doubt that they are put to good use. But at the same time, I am anxious to point out that these dismantlings of railway lines and the despatch of locomotives overseas may frustrate this very object. While they are necessary in other parts of the world, and in other theatres of war, they will affect the war efforts in India itself. It will affect prejudicially the essential services in India which are indispensable for war. So, although you may gain something in one direction, the effect is more than lost in another direction. This will cause dislocation in the industry. The road has been restricted, at the same time, railway also is restricted. The position then becomes serious for the State and the industry particularly. I am afraid we will have to go back to laws of bullock carts and country crafts and other primitive modes of transport. The time has come when we shall have to resort to those primitive modes of transport. I am not giving any fanciful picture, but I am speaking seriously. Willingly or unwillingly, we shall have to fall back upon the old methods of transport and, therefore, it is well that the attention of the Government is directed to this also so that they may take proper steps for facilitating and for bringing into existence those primitive systems of transport.

[Mr Akhil Chandra Datta ]

One word about the procedure adopted in debiting the cost of dismantling the railway lines. My submission is that the entire cost of dismantling, the entire capital cost should be met by the British Government and not by the Government of India in view of the uses to which these dismantled lines are put in different parts of the world, in the different theatres of war. My final submission is that although if we judge the budget by surplus alone, it is a very good budget.

**Mr President** (The Honourable Sir Abdul Rahim) The Honourable Member's time is up.

**Mr Akhil Chandra Datta** still in view of the other considerations that I have described I cannot feel very happy over the budget.

**Sir Henry Richardson** (Nominated Non-Official) Sir, whatever satisfaction we may derive from the phenomenal profits disclosed by the Railway Budget, and whatever relief we may receive from the contribution to General Revenues, our feelings must be tempered by the fact that the present railway surpluses are mainly the result of war conditions. They are, in fact, very largely book entries, the expenses being paid indirectly by the taxpayer through the carriage of troops and supplies on the Government of India account, and those same expenses re appearing in the form of surpluses in the Railway Budget. The war is responsible for these fortuitous circumstances and our general appreciation of the very satisfactory position must, therefore, be limited to the earnings themselves rather than to the actual workings, regarding which I shall have something to say later on.

Another point, and one which has been passed over by both the Railway Member and the Chief Commissioner, is the considerable portion of the revenue for which His Majesty's Government must be given credit. We know that colossal orders have been placed in India through the Supply Department on His Majesty's Government's account and that the purchase price either includes railway freight or that this is paid direct by His Majesty's Government. This is another abnormal factor and it would, indeed, be interesting to know to what extent this part of India's war effort has affected railway revenues.

I come now to the question of the distribution of the surplus and the allied question of the necessity for a revision of the Convention of 1924. I have already referred to the circumstances whereby a large portion of the surplus is, in fact, merely a transfer from one pocket of the taxpayer to the other. This being so, it is very right and proper that the Indian taxpayer should receive some assistance from these surpluses as has been admitted by the Railway Member. The taxpayer, however, could not have received that assistance were it not for the moratorium which has been in force for the past two and a half years. Thus it is clearly shown that in days of war when the railways are making surpluses, a strict application of the Convention would be a hindrance to any relief being given to the taxpayer, and in the days of peace when railways were not doing well the Convention was not only an undue burden but quite impracticable. The Railway Member

has implied that a general revision of the existing Convention may be involved and it is because we feel there is a case for revision that we intend to deal with this question in some detail in the discussions on Demands for Grants. I will not, therefore, say any more now on that point.

Another matter I would like to mention is the recent decision to establish a Central Transport Organisation and I must express a little surprise and disappointment that no reference has been made to this very important decision in either of the Government Railway Budget speeches. With all due respect and appreciation of what the railways have achieved under difficult circumstances the fact remains that for months past the general public have been only too well aware of the seriousness of the situation, and of the prospect that it would become worse. The Railway Member in his speech said that the signs pointed to an increasingly difficult situation. We have seen these signs for a long time and the establishment of this Central Transport Organisation is at least a year overdue. We are told its function is to devise means for making the fullest use of road and other forms of transport to relieve the situation. I know that the Organisation was set up only at the beginning of this month but the matter which has been urgent for months past is now immediate. Cannot the Railway Member tell us something of what is being done? And in the devising of means for achieving the desired objects, particularly regarding alternative fuels, why does not the Railway Member take a leaf out of the Commerce Member's book and seek the advice of non official and business interests, as has been done so successfully and with such mutual benefit in the cases of the Export Advisory Council and the Industrial Research Board?

The Railway Member in the course of his speech found an opportunity gratuitously to voice a compliment to those responsible for State Railways by reason of the fact that public opinion was on the whole strongly in favour of further enlargement of State management. I think I discerned an impish glint in the Honourable Member's eye when he said this, for he must know that many will disagree with his selected reason for the compliment and that dissatisfaction does exist. In Calcutta during the past few months one could hardly think for the noise created by the screams on all sides about wagon shortage and the necessity for setting up some Transport Authority. Locomotive shortage and reduction of average speed have been mentioned, but experience in our commercial factories and workshops teaches us many a good tune can be played on an old engine. Then again, in some quarters it has been strongly suggested that Government might well look into the question of the greatly increased use of palm oil which it is stated was a prominent feature in the last war and is becoming increasingly popular under present conditions. Government should not ask others to prove these facts. Their own officials can, if they so desire, deal with it themselves.

I entirely agree with the Railway Member's personal opinion that if State-management is to achieve success, both Government and the Legislature must acquiesce in a large devolution of responsibility. In these days when the railways are of vital importance, such plain speaking should not be resented by any one and I am sure I shall not be misunderstood when I ask the question whether the system at present in force whereby railway officials are, to a considerable extent, automati-

[Sir Henry Richardson]

cally promoted merely on the grounds of length of service, is one which makes for that complete efficiency so desirable and so necessary in the circumstances in which we find ourselves today. The Honourable Member said "We must be prepared to trust those filling responsible posts and do our utmost to select men who merit that trust." I quite agree but there are feelings amongst the general public that many men, Indians, Anglo Indians and Europeans, could be of invaluable service to the railways and to the public but who are, in fact, prevented by this system. If there is any truth in this opinion, then I say that this is no time to be bound by a red tape system and the best men irrespective of service regulations, should be put into the thousands of key positions which this immense undertaking involves. I cast no reflection whatever on the staff or on the Railway Member's belief that the general standard of efficiency has never been higher than it is today. What I am asking is whether it cannot be improved still better to meet the trials that lie ahead.

Time does not permit of my discussing at length the increase in fares and freights. I will only say that in the circumstances we approve of these and consider all kinds of concessions should be withdrawn as soon as possible. The necessity for depleting passenger traffic is plain in the interests of the war effort and if the steps now proposed to be taken do not have the desired effect, then the general increase in fares hinted by the Railway Member should come into force without delay.

Finally, it gives me pleasure to close my remarks with an expression of sincere appreciation of the part railway workshops are playing in munitions production and in other ways towards assisting the war effort. Recently I had an opportunity personally of seeing some of this work and I came away tremendously impressed with the organisation and detailed careful planning which has been achieved in so short a time. Whatever we may say about railways in other directions, I feel they are playing a worthy and important part in the war effort, and we should be most grateful to the officers and men for their devotion and willingness to shoulder this important additional responsibility at a time of great difficulty and strain.

**Lieut.-Colonel Sir Henry Sidney** (Nominated Non Official) Mr President, Sir, I congratulate, with other Members, the Honourable Member on presenting to this House another surplus budget which he himself attributed to the abnormal circumstances in connection with the war. As has been stated by the Member who spoke before me, it is apparent that the main source of revenue for railways during the year under review has been the carrying of military traffic and supplies for purposes of the war. I do not look upon the surplus so much as an indication of profit in railway working as evidence of the extent to which our railways have responded to the military needs of the country. It is a direct tribute to the railway workers in having so efficiently met the urgent needs of the situation to a phenomenal extent. For this reason the Honourable Member deserves our gratitude for his great effort in helping to stem the tide of the forces sweeping towards our country both from the East and from the West.

Sir, I have never pretended to be an expert in railway finance, and so it is not my desire to delve into the correctness or otherwise of the manner in which the Honourable Member has decided to dispose of the surplus finances accrued both in 1940-41 and 1941-42. But I do feel I must make a few remarks on this subject. In two years the Honourable Member has decided to recoup almost the entire arrears of the Depreciation Fund and I do not know whether this was such a necessary and urgent allotment. I do not suggest that these arrears should not be paid into the Depreciation Fund, for I agree that this greatest national asset ought to be placed on a sound footing, but I do think the arrears of so many lean years need not be paid up in such lump sums at the present moment when there are so many other more urgent needs demanding funds and assistance.

I am not surprised but I regret very much to see a note of pessimism throughout the Honourable Member's speech in regard to the capacity of railways to meet the needs of the public. I must again point out that this position has arisen by reason only of the fact that Government have, for years, been short-sighted enough not to make India self-supporting in the manufacture of machinery, locomotives and other major industries. Had this been done, even if it had necessitated the postponement of the purchase of some of the Company-managed railways, we should not have found ourselves today in so unhappy—and indeed perilous—position of having to advertise in the press asking people not to travel. If this is the position when war is not yet on the shores of this country it is reasonable to assume that the slightest trouble within the borders of India will dislocate communications to an extent not anticipated by any section of the 400 million people scattered throughout the country. The position will become worse as time goes on, because transshipment of locomotives and spares from Great Britain to India is becoming increasingly difficult, even if His Majesty's Government permits the release of machines and locomotives for use in this country. I have no doubt that the position has already become acute in this regard, but it will reach a dangerous point—may be a collapse—when the present locomotives become unserviceable or obsolete. I am not going to indulge in a diatribe of "I told you so," though this House could quite easily and with justification place the entire blame of the present helpless and tragic position of our railways, as also other lines of communication on the Railway Board and Communications Department. I know there is no use crying over spilt milk, but let's spill no more and I am tempted to ask, was milk not deliberately spilt for reasons which it is not desirable to elaborate at the present moment?

Even now I suggest it is not too late to repair the wrong, the blunders of the past policy of the Government. For if America can transport and install, even at this late stage, a full fledged aeroplane factory in China and a large assembling factory at Karachi, would it not be to the advantage of India, of the efficient prosecution of the war in the East and of the victory which one and all of us, members of the freedom loving nations, yearn for, to establish in India a factory for the manufacture of locomotives and other machinery so necessary to maintain uninterrupted the communication services in this country? We do not know what and when will be the turn of events in respect of the war—both in the East and in the West—but while there is yet time is it not to the advantage of the Empire defences to establish at a very early date such factories while

[Sir Henry Gidney]

the sea routes are still safe? I would go so far as to say that a portion of the enormous surplus which it is intended to transfer to the general revenues and the Depreciation Fund would be better utilised in this manner, if only the immediate object is the efficient prosecution of the war.

Sir, I regret very much that the Honourable Member is having recourse to an increase in the fares in order to discourage traffic, but I must say that this is unfortunate, especially at a time of war when facilities should exist for the evacuation of women and children in order that the men may help better in resisting aggression. This surely is not only catching the bull by the horns, but the cow by the udder (other) end. With the absence of alternative means of transport, both by reason of the dismantling of certain lines—now said to be unprofitable—and the contraction of motor transport owing to the rationing of petrol. I opine that better facilities should be provided for the travelling public. There are many ways of countering these shortages. One of the means of effecting this is by the cancellation of saloons for railway officials and insisting upon all officials travelling as passengers. I know that Divisional Officials are sometimes required to go to wayside stations and spend a day or two, but this is not invariably so. Very rarely do they have to go to stations where they cannot get accommodation and where special officers' rest houses fully furnished and equipped are not available. Why maintain both saloons and rest houses? At the present time, most of these officers, even while travelling, for instance, from Calcutta to Delhi or Lahore to Delhi and Lahore to Rawalpindi, Peshawar, Bombay, etc., travel in their saloons just for the dignity of the office. In England the King alone has a saloon. His ministers get a reserve seat and not a saloon. The discontinuance of this practice would not only reduce the enormous cost (running into lakhs) of maintenance of these hundreds of saloons and the load which engines have to haul but it will enable the railways to afford increased accommodation to the travelling public as also for the transport of supplies. This suggestion may sound ungenerous to railway officials, but they should make some sacrifice as is demanded and exacted from the staff and endeavour to share with the public the inconvenience resulting from the present emergency.

I notice the Honourable Member tries to justify the proposed increase in the passenger fares on the East Indian Railway and North Western Railway on the ground that they are substantially below the level prevailing on other State managed Railways. I have always thought that railway fares are fixed on the basis of the higher rates obtaining on other railways.

I feel that the dismantling of railways should not proceed any further. What was done a year ago was done when war was far away from the shores of India, but, today, with war on the very borders of the country it is dangerous to continue the dismantling of what are now called "unremunerative lines", because, it is most essential to have as many alternative routes as possible and I feel I should strike a note of caution in this regard.

The Honourable Member has paid a compliment to himself when he referred to public opinion being in favour of further enlargement of State management of railways. From the worker's point of view, I regret to

say that there is growing evidence that State management has not been quite a boon or a blessing. Out of the large surplus which has been effected through the efforts of those who actually did the work and not merely of those who just supervised and issued orders, practically nothing has been allocated by the Honourable Member for the benefit of the workmen. Yes, in a measure State management has been a success, but that is because the State has been able to extract sweat labour from the men through the instrumentality of the over zealous railway officials who, very often, by threats and exacting rules, have extracted labour from men, even beyond human endurance. I levy this charge against the State Railway Administration. Drivers on railways are required to work from 16 to 21 hours continuously without rest and, if they sign "under rest", out of sheer exhaustion, they are looked upon with disfavour by this over-zealous official.

**The Honourable Sir Andrew Clow** (Member for Railways and Communications) Where are they worked these hours?

**Lieut.-Colonel Sir Henry Gidney** I will give the Honourable Member details. Have patience. And their remarks are considered objectionable and they are punished. This is how the Honourable Member has been able to show a large surplus, and the increased mileage in traffic. I submit this is wholly inhuman, apart from it being contrary to the rules and regulations framed by the Railway Board in regard to the hours of employment of railway workmen—indeed I understand the hours of employment rules are not applicable to the running staff, and what is more the drivers, shunters and firemen are the ones, even among the running staff, who are not even entitled to the "under rest" allowance. On the North Western Railway, the General Manager or his Chief Mechanical Engineer in writing to a Union has definitely stated that, according to the rules, a man cannot claim rest until he has worked 16 hours continuously. That is an official document. This railway obviously considers that a very generous concession. I ask is there any Department in the Government of India where such a condition exists, that a man should work for 16 hours continuously before he can ask for rest? No wonder when this is the actual rule in normal times, that a more inhuman and wholly unsatisfactory position obtains today, during the emergency. Surely this is not good administration. On the contrary it is an imitation of a Nazi order. In the hands of the driver rests the safety of the travelling public and the safe conduct of the property conveyed in a goods train. Can you imagine what will happen when he is compelled to work beyond human endurance? It will result in another series of death and disaster. With all our anxiety to co-operate and help in the emergency, it is foolish, if not tragic, to permit this position to continue on the railways. Something must be done and done early if the position is not to deteriorate to the grave detriment of public safety and defeat the very purpose for which the railways, in their anxiety to rush their work are exacting work from overworked men. I do not mean to suggest that the men are not prepared to work hard and loyally to co-operate with the railway—the present surplus budget is evidence enough of it—but what I say is that the matter must be thoroughly investigated, and "work and rest" should be so arranged as to permit every employee to take sufficient rest when he has worked 10 to 12 hours on the footplate. The temptation of over-time earnings is no justification

[Sir Henry Gidney]

to impose this blood and sweat labour, even though the subordinate may fall a victim to this temptation, he being in receipt of a starvation wage today

Despite the increase in traffic it is noticeable that except for the dearer allowance, there has been no corresponding increase in the working expenses so far as staff is concerned which shows very clearly that the staff has not been correspondingly increased nor sufficiently paid. The phenomenal reductions made in the staff and their rates of pay which it was said were necessary in the days of railway deficit budgets and periods of depression still continue to obtain, and no effort has been made even with an unforeseen and enormous budget to increase the staff, their salaries and amenities to relieve pressure. On the contrary, the number of locomotives are reduced and are fast becoming unserviceable, the permanent way is deteriorating, staff have been in some cases reduced, engines have longer runs with increased weights to pull. Those of us in this House who know the real difficulties under which the subordinate staff labour can better appreciate their case. The Honourable Member and the Railway Board cannot have a true estimate of the position for their one big idea is a surplus budget and whose knowledge of these matters is as reflected via the mirrors of Railway Agents and their under officers, whose chief object is to extract a maximum effort from an underpaid, underfed and underrested staff, who are stifled into silence should they dare to oppose such demands. I make that deliberate statement in this House.

As I have just told the House, drivers are required to work 80 to 100 hours per week, contrary to all rules and regulations, only because there is no adequate leave reserve a matter we have repeatedly represented, in vain, to the Honourable Member. The job analysis which was undertaken in 1936/37 resulted in heavy reductions, not only in the total number of staff on railways, but in the curtailment of prospects and promotions. Such curtailment has been forced regardless of the prospects assured to the men in accordance with the terms of service which obtained when they joined the railway service and, in my opinion, it constituted a definite breach of the agreement and deprivation of vested interests and accruing rights in the matter of promotion in the case of subordinates. Let me, Sir, quote a concrete instance. On the North Western Railway, in the grade of Grade IV drivers, the number of appointments sanctioned as a result of the job analysis was nearly 30 per cent lower than the number of men holding appointments in that grade with the result that Grade IV shunters who had passed examinations as drivers and who are also utilised as drivers on many occasions, have no hopes of securing promotion to the grade of drivers, by reason of the fact that the sanctioned strength is much below the number of drivers who are already in the grade. I ask is this sound administration? Is this fair to the staff? In the past these shunters were automatically promoted to Grade IV drivers in the course of time after they had passed their examinations. This term of their agreement which was held in abeyance during the period of depression has since been permanently withdrawn. The result is that these shunters, who are essentially drivers under training, have no hopes of promotion at



all, although the Railway utilises them as drivers, especially during the present emergency I call this dishonest economy and a breach of contract

Again, on the East Indian Railway, the intensified use of locomotives has been the means of depriving drivers of emoluments which they had previously enjoyed and which the Government guaranteed would be continued, even after the State took over the management of the company. While I am quite appreciative of the fact that railways have to adjust their conditions of service to the needs of the situation, I submit it is not open to the railway to deprive the railwaymen of allowances which were guaranteed under the seal of the Secretary of State and His Excellency the Viceroy. Indeed, I consider this a breach of contract, especially with regard to the allowance known as "Shed and Out" and which obtains in the East Indian Railway. I am glad the Honourable Member objects to the word "subordinate" and I hope he discontinues its use on railways. Then, the appeal rules will need immediate enquiry and radical alteration. For today appeals amount of almost a farce to be played with by officials to suit their own whim and fancy. The Good Conduct Marks system requires immediate attention and if this form of censure amounts to punishment, it should be governed by the appeal rules because today some railway officials take an unfair advantage of it.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member has two minutes more.

**Lieut.-Colonel Sir Henry Gidney** These are some of the points which I desire to raise here. Sir, while on this subject of relations between the railway official and the worker, I was astounded to hear what the Honourable Member had to say at the conclusion of his speech and which I took upon as positive evidence of an entire absence of the human touch. I should like to refer also to that part of the Honourable Member's speech when he talked of the Moghul Emperors allowing all their subjects to approach them personally with petitions on any matter. It may be a source of pseudo-pride and satisfaction to the Communications Member to feel that he is above those Moghul Emperors, seven of whom today lie buried in this city, but the Honourable Member would have this House and his humble employees to understand that he occupies a greater position than even these Moghul Emperors and that he ought not to be approached in the matter of, say, the promotion of a common Assistant Station Master. Has the Honourable Member ever visited the Delhi Fort? If so, surely he has seen the *Dewan-i-Am* where the Moghul Emperors used to listen to the grievances of their humblest subjects. If not, may I advise him to visit that historic building?

Sir, that Assistant Station Master, I may remind the Honourable Member, is the man who by his sweat labour helped to maintain the Honourable Member in his service and helped him to present to this House a phenomenal surplus budget. I am sure that no Member of the British Cabinet or for that matter a Member of the Cabinet of any freedom loving country could get away with a statement of this type, i.e., that the Minister is unapproachable in the matter of justice, even to the humblest workman in the administration. With labour today as the spearhead of all nations, including India, especially during an emergency such as the present, I

[ Sir Henry Gidney ]

am surprised that the Minister in charge of Communications has dared to make such an observation. Had any Member of the British Cabinet done so, he would have been voted out of office at once. Does the Honourable Member realise that, by talking loosely like this in this Honourable House, on behalf of the Railway Board, he is not only giving a *carte blanche* invitation to General Managers of Railways and their under-officers to consider themselves unfettered Nawabs and autocrats in their dealings with their subordinate staff, an attitude of "Brutus has spoken, let no dog bark", but openly and actively inciting a much harassed staff of employees to a course of action which I hesitate to contemplate, much less face?

Sir, I desire very respectfully yet firmly, to warn the Honourable the Communications Member that there is great discontent among railway employees, the direct result of an utter absence of the human touch between the official and the employees, a discontent which must become worsened after what the Honourable Member has said. If the Honourable Member doubts this, I invite him to scan the thousands of questions asked by Members of this House since the inception of the Legislatures. Nine-tenths of them refer to railway matters. Surely all these grievances are not imaginary and petitions from employees on such matters, however trivial, if unremedied by the lower officials, deserve a more fitting habitat than the waste paper basket as suggested by the Honourable Member who, in his speech, said "What happened to the bulk of those petitions history does not record". Was he trying to be funny? If so, it was ill-placed humour amounting to ingratitude levied on employees who have helped him to present this surplus Budget. Sir, I belong to a community which is recognised for its untarnished loyalty to the Railway Administration in India, but they also are smarting with their Indian colleagues under the yoke of the present regime and have come to the limits of their endurance.

Before I conclude, I wish to tell the Honourable Member that he owes it to this House and to the hundreds of thousands of his humble employees to withdraw those undesirable remarks or to explain what his intentions were, so that General Managers, some of whom, thank God, do possess and exercise the human touch and their officers will alter their present treatment of their staff.

**Mr President** (The Honourable Sir Abdur Rahim.) The Honourable Member's time is up.

**Lieut-Colonel Sir Henry Gidney** I will conclude presently, Sir. As I was saying, their officers will alter their present treatment of their staff, otherwise a grave disservice to the very cause which he serves will have been done. These are not idle words. They are uttered after 25 years experience of railway matters, with an acute sense of responsibility and a knowledge which, may be, the Honourable Member himself does not possess, or if he does, he elects, like a super Moghul, to ignore. Sir, I am no alarmist nor a disloyalist, I am one who has never been afraid to expose any injustice irrespective of colour, creed or caste. It is in this spirit I earnestly urge the Honourable Member to appreciate the value of his subordinate staff, the unchallengeable commanding position labour

wields the world over, and when he has done so, to examine the generous treatment, today, being accorded to the labourer in Great Britain on whom the success of the present war depends, and then, to try and persuade himself that the labourer in India holds an equally important place in the defence of India and he must be treated, with generosity and sympathy, especially, possessed as he is, with such a big surplus budget. My earnest hope is that he will rise to the occasion and remedy a remediable position today, but which it may be too late to do tomorrow.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions Muhammadan Rural) Sir, I congratulate the Honourable the Railway Member on the glorious account of the railway estimates that he has presented before us. The movement of men and materials on account of war conditions and the curtailment of the activities of road traffic on account of shortage of petrol has thrown a very heavy strain on the railway traffic. The Honourable the Railway Member has not given us any indication in his speech about the steps he intends to take to meet the growing demands on these railways. He alluded to the abandonment and dismantlement of 770 miles of railway track. He further referred to the supply of materials for additional 800 miles of track, but he said nothing whatever about the steps he has taken or proposes to take to meet the growing demands of these railways. The evacuation of towns has now created an acute problem for railways, and its gravity may be judged by the fact that a new business of purchasing and selling railway tickets at double and treble the prices has come into existence. The same thing applies to goods wagons also, which cannot be obtained without substantial back door subscriptions. Here the business is made not by businessmen, but by railway officials themselves. I wanted some wagons for the carriage of coal to our University, and I approached every friend of mine, but without any avail. I then approached the General Commercial Manager, I approached the Chief Traffic Manager, and also the railway coal authority, but without avail. Unfortunately, in the University, we have no column where we can put in additional sum in order to get these wagons. Two years ago the East Indian Railway proposed a demand of one crore of rupees for rolling stock, though the war had begun then, but, unfortunately, this demand was withdrawn. Had this money been spent two years ago in purchasing rolling stock, the difficulties of the East Indian Railway would have been minimised considerably.

Now, Sir, I come to the question of surpluses. Now, note the figures for the last four years—we find that the surplus is approximately double of the estimates. In the year 1939-40 the surplus was 4.33 lakhs, in the year 1940-41 the surplus was 18.46. The Honourable Member has given 26.40 for 1941-42, but I am sure it will rise to 29 crores, and in the year 1942-43, though his estimate is 27.95, it will surely reach the figure of 50 crores. We thus have a surplus, since the war commenced, of about a hundred crores. The railway revenue, as was pointed out by the Deputy Leader and by the Leader of the old Party, has to come from the general revenues of the railways. He has also paid for the employment of soldiers and war supplies.

Sir, I spent some time to find out what proportion has been contributed by the general revenues in the railway budget, but there was no data by which this could be calculated. From the surpluses derived substantially from the general revenues, he paid the loans of the general revenues. For

[Dr Sir Ziauddin Ahmad]

example, in the explanatory memorandum it has been pointed out that it is not a gift, but it is really the payment of a loan that he has paid 5 71 crores from the surplus for the general revenue in the year 1940-41 and advance payment of the amount due in 1942-43. This reminds me of a story of *Shatir* which I will not relate now for want of time. This man was boasting that he paid all the arrears of the *sowcar* by stealing money at night and paying him back in the morning, in payment of the arrears — not only in payment of the loans which he had raised but in payment of any loans which he might raise later on.

Then, Sir, the next thing that I should like to take up is the question of dismantlement and abandonment of railway lines, and here there are two points I should like to emphasise. The first is that the Railway Member will agree that dismantling means the annihilation of railway capital. The Assembly should have been consulted, and we cannot write off the debt, nor can we write off against depreciation in this manner. In the case of companies, you can reduce the share of the capital, and you can also reduce the value of the share but in the case of railways we have really to pay out of the income of the general revenues, either directly or through the depreciation fund. In this case, as the Honourable Member said, it will be paid out of the general revenues of the current year. This is a large financial question and two important principles are involved in it. The first is, you have dismantled the line, you have really paid the capital back by dismantling the line. The only question now is under what heading are you going to put it? Practically the expenditure has been incurred, and after incurring the expenditure the Assembly is required to give its vote. Therefore, the Assembly has now been reduced to the position of a Public Accounts Committee, to discuss the *post mortem* expenditure which will be of no use. Therefore if you really wanted to have the vote of the House, it was very essential for you to have asked the opinion of the House before actually dismantling the lines.

I entirely appreciate that there may be difficulties in case of war requirements. My Honourable friend the Finance Member, has got the experience that the Standing Finance Committee never stood in the way of any expenditure in connection with war and we never demanded details if it was war expenditure. But, certainly if a line is dismantled on account of its economic condition or on account of the fact that it is no longer remunerative, I should like to challenge the statement and the figures from which you have drawn that particular conclusion. Again, there is mistake in accounting. The Honourable Member has put the capital expenditure of the dismantled lines on the current revenue. I challenge that this method is not correct. It ought to have been debited under what is called the depreciation reserve fund, and not the revenues of the railway. I agree that whatever you pay comes out of the revenue of the railways but certainly there is the regular system of accounting. You have got highly paid accountants connected with the Railway Board, you have got the Auditor General, the Honourable the Finance Member. Is it fair that this amount should be debited directly to the current revenue of the railways? It ought to have been put under the account of depreciation fund. My Honourable friend says, what matters it whether you put it in the reserve fund and then take it back the same year?

After all, I use the same arguments about the depreciation fund to which my Honourable friend did not agree, and I shall come to it again. From the figures at page 54 of the memorandum, we find that the actual expenditure under depreciation on an average amounts to less than eight crores of rupees, but still we have been depositing under this head a sum of Rs 12½ crores for the last now 17 or 18 years. Is it fair to go on depositing 4 or 5 crores every year extra, and to allow them to accumulate to about 80-13 crores under the head of depreciation fund, which you have now changed into depreciation reserve fund? Are you expecting any earthquake or any special accident when all this money would be required? Why should we not follow the practice of other countries and not have any depreciation fund at all? Have one reserve, you should not have two reserve funds, one depreciation fund and the other depreciation reserve fund. There should be one fund. You put the entire cost of renewal of tracks and replacement of tracks under the revenue, and set aside a small amount to be used at a time when money is most needed. Over and above expenditure of one year which we put either in the depreciation reserve or in the reserve fund, it ought to be contributed to the general revenues. I think that this is a point which needs to be emphasised, and I support the Honourable the Leader of the European Group when he demanded a revision of the Convention of 1924 in this sense.

Let me now come to the purchase of railways. We all agree as regards the principle that India should own and administer all the railways that are on the Indian soil. There are no two opinions on this principle, but we would like to discuss details in the manner it had been done before. In the first place, the Assembly was never taken into confidence. For example at the fig end of the Session, when the Assembly Session was over, the matter was brought before the Railway Advisory Council. The figures were late in coming and we had no time to discuss as the Assembly was about to adjourn and then we were asked to give an opinion within forty-eight hours when a decision had to be made. The Assembly was here the whole Session we were here in this House, and the Honourable the Railway Member ought to have brought this question before the Assembly much earlier and every point ought to have been threshed out in the manner in which it was threshed out in 1931. I challenged the figures supplied to us about the Bombay, Baroda and Central India Railway, but I got no satisfactory reply. As regards the Eastern Bengal Railway, I challenged it, and I challenge even today that the amount that you paid for the purchase of that railway was excessive. The share value of that particular railway at the time we purchased it was 65, and we immediately raised it to 100 by our payment, so that we had to pay 35 extra on the lame excuse that we only followed the contract. With financial statesmanship this thing could have been required, and had we been given an opportunity of discussing this particular question we would have suggested a better method of doing it.

**The Honourable Sir Jeremy Raisman** (Finance Member) The moment you discussed it, it would have been a 100 already.

**Dr Sir Ziauddin Ahmad** On the last occasion we appointed a committee, the committee sat for about a fortnight and discussed every little detail of the purchase. Did you appoint a committee this time? An open discussion on the floor of this House is a waste of time because

[Dr Sir Ziauddin Ahmad]

nobody can understand and discuss and criticise the figures, which is necessary in discussing this particular matter. Take the case of the purchase of Bengal and North Western Railway. Here also we have not been given any data, similar to those which were given in 1931. It is very difficult for me to understand anything now because the whole thing is a mystery. We have absolutely no figures and this mystery will remain as the mystery of the Nizam's State Railway where they lost two crores of rupees in that transaction. One day a similar thing may be discovered about the Bengal and North Western Railway, which at present we do not know. As representatives of the taxpayer we have every right to demand figures to be supplied to us and an opportunity to go through them and carefully examine them because we are not satisfied with the thing. As I said, as regards the principle we agree, but there are certain details to which I took exception at the time, and I shall point them out today. In the first place, you ought to take the Assembly into confidence and should not decide the question hurriedly in the Advisory Council.

**Dr P N Banerjee** (Calcutta Suburbs, Non-Muhammadan Urban) : You mean the Railway Standing Finance Committee?

**Dr Sir Ziauddin Ahmad** : I mean the Railway Advisory Council, which is the last body where you have got representatives of the Council of State also to give an opinion on that point. When I raised this question, they followed it once the example of the maulvis. The maulvis, when they are handicapped in any argument, immediately used to call the opponent, a *kafir*. When I raised this financial question, they called it a Muslim question, and there are some who would rather lose four annas so that even one anna may not be given to the Muslim. They followed this particular precept and said this was a Muslim question. The Muslims are better off under State management than under Company-management. They called it a Muslim question and votes were carried in that way.

**The Honourable Sir Andrew Clow** : Who called it a Muslim question? I never did.

**Dr Sir Ziauddin Ahmad** : I am not challenging you.

**Mr Lalchand Navalrai** (Sind, Non-Muhammadan Rural) : It is only his own imagination.

**Dr Sir Ziauddin Ahmad** : Then, before coming to a decision we wanted to know about the scheme of amalgamation. In what way did you want to amalgamate when you purchased it, what did you propose to do with it? You never consulted us on this matter. Again, an old Member of the new Party raised the question of the method of administration. No doubt, the Railway Board is a splendid body, but it was devised for a small administration. When we are adding to their task, it is very desirable that you ought to consider your administrative machinery.

Now, my Honourable friend has said in his speech

"I am occasionally reminded by those who are anxious that I should use my personal influence in the matter of the promotion of an assistant station master or the appointment of a clerk or the assignment of a minor contract, that the Moghul Emperors allowed all subjects to approach them personally with petitions on any matter."

I think he misunderstood entirely the object behind that practice. The Moghal Emperors were not concerned with the particular incident but they were concerned with the administration of justice. They wanted to know whether their officers were administering justice and this was one of the methods they employed to discover whether their officials were administering justice and if the Honourable Member does not wish to resort to the old method now and then, then the story of the injustice done by the railway officers will always remain a sealed letter. Therefore, this is the proper opportunity.

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member's time is up. He can complete his last sentence.

**Dr. Sir Ziauddin Ahmad** I will only say that I protest against the rosy picture that has been given and hope that the Department will rise to the occasion and help not only the Military but also the evacuees who need assistance.

**Mr. K. C. Neogy** (Dacca Division Non Muhammadan Rural) It has become almost a customary practice in this House to start a speech on such an occasion by congratulating the Member in charge, on the slightest provocation. It does not matter if, as you go on developing your argument, you say very hard things about him. I will try to follow the example of my Honourable friend Sir Henry Gidney and try to congratulate the Honourable Member. I find that I can honestly and sincerely congratulate my Honourable friend on one matter and that is the prevalence of the war. The war has proved almost a fairy god-mother to the Indian Railways. It was only the other day that we heard that the Railway Convention of 1924 under which finances were separated, had better be revised in order to reduce the liability of the railways in regard to the contribution to the general exchequer. Suggestions have appeared from time to time from well known economic authorities that the Indian Railways had better be started with a clean slate, wiping off the past arrear contributions and revising the more important conditions of the Convention of 1924, and yet we find that today the Honourable Member is in a position not merely to wipe off the arrear contributions, but make an advance payment in aid of the general exchequer, although not without some amount of violence to the terms of the Convention of 1924. Now, Sir, how is this grand illusion effected? As has been pointed out by the Honourable the Leader of the European Group, my Honourable friend lays the Defence and Supply services under contribution. He makes the collection and then passes it on to his colleague on his right, Sir Jeremy Raisman, to be passed along by him again to the Defence and Supply services, so that once again my Honourable friend, the Member in charge, may levy a contribution on them. So, this goes on like a merry-go-round and, incidentally, the deficits in regard to the payment of the contribution to the general exchequer gets reduced and indeed wiped off. Now, Sir, I do not at all suggest that it is improper to take advantage of the war conditions for the purpose of benefiting the Railways but, Sir, what I mean to suggest is that this is an artificial stimulus which the Railways get from the prevalence of the war and we should not be blinded to the real condition of affairs so far as the Railway Administration is concerned. Look at the other side of the picture. Now, the Honourable Member's speech here, as well as

[Mr K C Neogy]

the speech delivered by the Chief Commissioner for Railways in another place, made it quite plain that though this nest-egg is being presented to the Honourable the Finance Member today at what a great cost is it being produced? Renewals and repairs are being postponed, with the resultant decrease in the working expenses,—renewals and repairs which will have to be overtaken at a later date, at a much greater cost, because of the quicker rate at which the stock will deteriorate

**The Honourable Sir Andrew Clow** That is perfectly true if you exclude the Depreciation Fund from working expenses but we are putting into the Depreciation Fund a sum that corresponds to the deterioration

**Mr K C Neogy.** I was coming to that. The Chief Commissioner for Railways has stated that what is being put into the Depreciation Fund and the amount that stands to the credit of the fund, is not sufficient for the purpose of meeting the expenditure, that will surely arise for the purpose of overtaking these deferred renewals. I take it that was the purport of the statement made by the Chief Commissioner for Railways in the other House. If we had a proper Depreciation Fund covering the cost of renewal when the time is more propitious, that would have been a different story altogether, but says the Chief Commissioner for Railways—I do not want to read the whole of it, it is a longish paragraph,—this is what he says in paragraph 21

'For these and other reasons, the Railway Board are satisfied that the amounts in the fund accruing on the present basis will certainly not be more than necessary to meet the calls which will be made upon it in the future and they may well prove to be inadequate'

Apart from the renewals and repairs being deferred and adequate provision not being made in the Depreciation Fund in regard to these renewals, services are being rigidly curtailed. The activities of the Publicity Department are now being turned towards discouraging the public from using the Railways as much as they can. Trade and commerce are being prejudiced by reason of restrictions put on wagon supply and by reason of the fact that the number of locomotives has considerably gone down. Furthermore, rails and rolling stock have been sent abroad for war purposes and that means dislocation of the public services to a very considerable extent—services which will perhaps, in future, have to be restored. The Depreciation Fund itself has been starved, as I have already stated. For instance, this year what should have gone to the replenishment of the Depreciation Fund is being made over to the general exchequer as a supplementary payment. I should like to sound a note of warning to the Honourable Member that some of the things that are being done today really characterised the position of the Indian Railways after the last Great War. From the complaints that came from time to time from commercial bodies, and the comments made, particularly in the Report of the Acworth Committee that was shortly afterwards appointed to go into the whole matter of the administration of the Indian Railways, it would be found that many of these things actually characterised the railway policies of those days, and some of these things were condemned by the Acworth Committee in no measured terms. I entirely agree that the present position perhaps is not so serious as that, because of the creation of the reserve and the Depreciation Funds. But,



if I remember aright, there was an attempt at the creation of a reserve in those days too, but the reserve got raided. Something like that may happen in the future unless the Honourable Member takes very great care.

Now, Sir, as regards the curtailment of facilities, I have in my hand two telegrams, of which copies must have gone to the Honourable Member in charge also, complaining about the critical position in which the coal industry, in Jharia particularly, finds itself, due to the strict rigidity with which allotment of wagons is being made for what is called public supply. I should not like to dilate on this point on this occasion because I may have an opportunity of raising it specifically in connection with a motion of reduction of an appropriate grant of which I have given notice. But I daresay that this shows that the restrictions under which trade and commerce are now being expected to operate are already proving a little too burdensome and may in the end cripple commerce and industry of this country, which would be a very undesirable thing to happen.

Now, Sir, if the present budget is a really prosperity budget, how is it that the high freights that were imposed some time back by reason of the fact that the railways were not being able to discharge their obligations to the general exchequer, have not come up for revision? Normally, the justification of such an increased imposition having disappeared, the matter should have been reviewed for the purpose of bringing down the rates. But my Honourable friend will say "Well, as I have not got sufficient facilities to supply to the trade, why should I not make a little extra profit by not merely maintaining those high rates but even enhancing them in certain cases?" That is not the spirit in which a public utility concern like the Indian railways have to be run, although it is true that certain commercial principles ought to apply to the administration of the Indian railways. Sir, the true function of an institution, particularly a State-owned and State managed institution like the Indian railways, should be to act as the handmaid of commercial and industrial prosperity of the country. The ideally perfect thing would be for the railways to so conduct their policy as to improve trade and industry and the general economic condition of the country without any regard to what direct contribution the railways may make to the general exchequer. The railways, if they can improve the financial and the economic condition of the public at large, should be satisfied with having achieved that result, it being left to the Finance Minister to try and tax the general public as best as he can. But I find that the Honourable Member has agreed to become virtually a tax-collector for Sir Jeremy Raisman. That is not certainly the spirit in which the finances of the Indian railways should be managed.

Sir, I maintain that some of the fundamental principles which underlay the separation of general from railway finances are being violated, because one dominating idea of this measure was that the railways should be freed as much as possible from the control of the Finance Department and should be administered with a view primarily for the benefit of the public at large consistent with the upholding of the best interests of the railway administration itself. Whatever profits the railway might earn should primarily be applied to the improvement of the railway services and the betterment of the facilities to be offered to trade

[Mr K C Neogy]

and commerce. I entirely agree that having regard to the present position of the country, some of these conditions may have to be kept in abeyance, but what I should like to remind my Honourable friend is that there is a limit beyond which he should not allow himself to be influenced by the considerations of the financial necessity of the Government of India in regard to the war. I think the Acworth Committee strongly criticised the idea that the Indian railways should be treated as a revenue earning department of the Government. But having regard to the fact that in the past years when the Indian railways had to be subsidised by the general taxpayer and also having regard to the fact that this business concern of the Government does not have to pay any tax like the income-tax to the general exchequer

**The Honourable Sir Jeremy Rausman** Nor the Excess Profits Tax

**Mr K C Neogy** Nor the Excess Profits Tax the general exchequer is entitled to look to the railways for some sort of a contribution, and the Convention of 1924 definitely admits that proposition. My Honourable friend should consider whether he has properly observed the spirit of that Convention by subordinating the considerations of conservation of the railway property and provision of requisite facilities to trade and commerce, to the considerations of finding money for the war. It is a very short sighted policy, if merely for the purpose of finding money for the war chest we allow the railway property to go to rack and ruin, and that is the warning that I said I would give to the Honourable Member so that he may see that the state of affairs in which the Indian railways found themselves at the end of the last war may not recur even though to a smaller extent than before.

Now, Sir, in the Acworth Committee report I found a sentence to this effect

'We cannot think that even a war is sufficient to explain the treatment of the Indian railway revenue in the last few years.'

I do hope that if a Committee were to come out at the conclusion of this war to review the administration of the Indian railways, it may not have to make a remark of that character.

**Sir Abdul Halim Ghuznavi** (Dacca cum Mymensingh Muhammadan Rural). Mr President, Sir, it is no use denying that the Honourable the Communications Member has very good luck,—extraordinarily good luck. I have just heard from my Honourable friend that the surplus budget is due to the war. It is true, but why was not this war declared during the time of his predecessors?

**Mr K. C. Neogy:** That is his good luck.

**Sir Abdul Halim Ghuznavi** We will have to congratulate him on this extraordinary good luck of his. Whatever may be the cause, there is the surplus either due to the war or otherwise. That is secondary. He is having that good luck continuously for the past three years. Owing to this good luck, he has produced an extraordinary surplus budget. At the same time he comes before the House and states that he is afraid he has again to increase the fares and freights.

**The Honourable Sir Andrew Olow.** I did not express any fear

**Sir Abdul Halim Ghuznavi.** My Honourable friend did not express any fear. Without fear, he expressed that he wanted to raise the fares and freights. What is the necessity for that increase? This is not a deficit budget that he has produced before the House. This is a surplus budget. He is fully conversant with the fact that the Government of India, of which he is a Member, have stopped the Road service. They have stopped the shorter railway communications. Finding that the passengers have no other means of transport, no other ways and means, he now comes forward with the argument that he has discovered that in the East Indian Railway and in the North Western Railway the rates were abnormally lower than in other State railways. He has discovered this only just now. The East Indian Railway was taken over by the State more than 20 years ago. Now he finds that the fares and freights prevailing in the East Indian Railway is proportionately much less than in other State railways. He has increased the fares not only of first and second class passengers but also for intermediate class and third class passengers.

**Pandit Lakshmi Kanta Maitra** (Presidency Division, Non-Muhammadan Raza). There has been some deduction in the case of first and second class passengers fares.

**Sir Abdul Halim Ghuznavi.** No, Sir. Then he goes on with the increase of freight. He tells us that so far as foodstuffs are concerned, he has not increased the rate, but, he has put in a 'but', that is to say, unless the foodstuff is sent in full wagon loads, the consignment will be charged at a higher rate. I ask in all seriousness, is that fair? He has a tremendous surplus budget. To impose these difficulties at a time when people are finding it difficult to make both ends meet, at a time when war is facing us on the borders of India, is it fair to increase the fares and freights? After all, what does he expect to get out of this increase? He expects to get a paltry half a crore, a flea-bite in the huge amount that may be necessary for balancing the other budget which will be introduced on the 28th February.

Now, Sir, I desire to deal with certain specific points which I want to raise today. That is with regard to the exodus from Calcutta after war was declared by Japan on the 7th December. When war was declared by Japan on 7th December people began to rush out of Calcutta. On 11th December, two battle ships were sunk by Japan, and the exodus then became very serious. On the 13th December, I traveled from Calcutta to Delhi to attend the meeting of the Standing Finance Committee for Railways. I found two special trains were steaming out of Howrah platform full of passengers. On my arrival here on 14th December, I noticed a very large number of passengers en route to Bikaner. I knew one of them and he told me he would be very much obliged if he could get accommodation to go by the night train to Bikaner. Our office staff was instructed to assist him in this connection. The staff reported to me that in order to get reservation, a bribe of Rs. 100 was required, but when he mentioned my name, that amount was reduced to Rs. 50. I reported that fact to the Chief Commissioner for Railways soon after the Standing Finance Committee meeting for Railways was over on 15th December. The Chief Commissioner was very sympathetic

[Sir Abdul Halim Ghuznavi]

and he wanted to take action immediately I am grateful to him. He wanted to take drastic action to put down this bribery and corruption. When I went back to Calcutta on 17th December, the exodus was heavier still. On 19th December, I went to the East Indian Railway Head Quarters to see if I could get a special train for certain Marwari friends who wanted to leave Calcutta as soon as possible. The General Manager, East Indian Railway was busy and he could not be seen. The next was the Chief Transportation Officer, Rai Bahadur N C Ghosh, he was away. Then I went and saw Mr Heysham. He very kindly agreed that he would clear out in four days about one thousand passengers by reserving portions of four trains. Thinking that everything was O.K., I got the party to keep everything ready, but to my utter surprise, I got a communication that the General Manager was cancelling the whole arrangement. I was told on the following day—that was Saturday, the 20th December—that the concession suggested by Mr Heysham would be discrimination because being a Member of the Legislative Assembly and a Member of the Standing Finance Committee for Railways, and a Member of the Local Advisory Committee and the Central Advisory Committee, I should not be permitted to get special treatment in getting special accommodation, while the same was refused to others. That would be discrimination shown in my favour and so the General Manager regretted he could not arrange the special accommodation. Finding no other remedy, I found the only way was to send a telegram to Sir Leonard Wilson, the Chief Commissioner, Railways, a copy of which I also gave to the Financial Commissioner, Railways.

Sir, before I proceed further I may mention that the statements that I am making here now have the sanction and approval of the five Indian Chambers, and I have the authority of their letter as to what they had done which exactly tallied with what I had done in the matter. And I had no knowledge of the steps taken by them before the 17th January when I wrote to them to let me have a full report of what they had done and how they were refused by the General Manager of the East Indian Railway.

**Pandit Lakshmi Kanta Maitra:** Did the Honourable Member say that the five Indian Chambers of Commerce addressed the same complaint to the Railway Board?

**Sir Abdul Halim Ghuznavi:** Yes, certainly.

**Pandit Lakshmi Kanta Maitra:** When was that?

**Sir Abdul Halim Ghuznavi:** That was before I addressed them. My telegram was on the 22nd December, 1941. This was the telegram I sent.

"Referring my interview with Sir Leonard Fifteenth Exodus from Calcutta Great Dissatisfaction prevails Arrangements made East Indian Railway Consider General Manager ought have summoned emergency meeting Local Advisory Committee in order explain arrangements made in order dispel unnecessary panic created by extraordinary exodus Indian Chambers of Commerce leading businessmen requested for special trains which was turned down I asked special train clear one thousand passengers at request of leading businessmen but request refused though they agreed placing two additional bogies special trains running Howrah Delhi

accommodating 250 passengers and clear whole lot in four days which subsequently refused Calcutta contains fifteen lakhs approximately Exodus mostly East Indian Railway it will greatly allay panic if one member Railway Board be present Calcutta stop Understand they have 36 emergency trains in reserve to run in case Calcutta declared emergency area Consider those trains being used at once for voluntary exodus instead of allowing emergency situation arise Special trains to individual parts to be allowed if asked for in order priority stop At Howrah station organised volunteers be permitted help passengers control exodus rush Severe lighting restrictions interior station resulted losses luggage passengers lighting restriction Howrah should be no more than prevailing at Sealdah station request take immediate action local Indian Chambers accord agreement with my views

The position was that this General Manager of the East Indian Railway was not calling a meeting of the Local Advisory Committee which has been reduced by him into a farce Formerly a meeting of the Committee was held every month I find my Honourable friend, Mr Raper, taking notes, and I will prove here and now what I am saying The Eastern Bengal Railway, now the Bengal and Assam Railway, has meetings of the Local Advisory Committee even now every month A friend of mine behind me says it is unnecessary I may say it is equally unnecessary, to have a three months' meeting of this House with the Congress Benches empty Why not finish it in ten days' time and go away to our houses' Sir, from one meeting monthly this General Manager has reduced it to one quarterly, and all in the name of economy In spite of the surplus budget he wants to economise and he is not prepared to pay Rs 32 as fees to those members who attend the meetings It is only at his sweet will and pleasure that a meeting of the Committee is now called Not one meeting has been called to assist him and give him advice or to explain to the Committee the steps taken In spite of the request made to him by the five Indian Chambers repeatedly, he has refused to call a meeting

Then, Sir, I pointed out that there was tremendous bribery and corruption

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member has three minutes more Will he finish his speech now or continue after Lunch?

**Sir Abdul Halim Ghuznavi** Sir, I will continue after Lunch

The Assembly then adjourned for Lunch till Half Past Two of the Clock

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The Assembly re-assembled after Lunch at Half Past Two of the Clock,  
**Mr Deputy President** (Mr Akhil Chandra Datta) in the Chair

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**Sir Abdul Halim Ghuznavi** Mr Deputy President Sir, as the time at my disposal is very limited, I will only read letters which I sent and also the letters sent by the Chambers On the 20th of December I sent this letter to the Chief Commissioner, Railways

"There has been tremendous bribery and corruption at the Fairlie Place Booking Office as well as at Howrah Railway Station This was brought to the notice of the General Manager, E I R., by a very high official but no action was taken I am going to give you the following instances which will speak for themselves and ample evidence is available in their support

[Sir Abdul Halim Ghuxnavi]

With the assistance of the employees of the Fairlie Place Booking Office fictitious bookings are made at first in pencil and when a passenger comes for reservation he is told that there was nothing left to book. Brokers have been engaged who whisper to the passenger that if he paid a certain amount of money accommodation would be made available for him. This is as regards the First and Second Class bookings which have been going on ever since the exodus started. But now the exodus has lessened and probably these bookings are being made at cheaper consideration than before.

Now, Sir, this very thing has been reiterated by the Chambers in these words

"So far as the reservation of berths is concerned, the usual trick of the railway staff is that they fill in the reservation register with bogus entries so that ordinarily when a person asked for reservation, he was told that all the berths were already reserved. On his paying some bribe, however, the Railway staff would erase the previous entries and reserve the berths."

The second thing which I brought to the notice of the Chief Commissioner for Railways was about bribery and corruption. This is what the Chamber said

"The representative of the Chamber also brought to the notice of the General Manager the complaint regarding harassment by police and the demand of illegal gratification by Railway staff. When the General Manager asked that proofs should be given to him of such harassment and illegal demands, a definite offer was made to him that he should depute one of his own trusted men, whom the Station staff did not recognise, along with the representatives of the Chambers and the latter were sure that the officer would be able to see things for himself. This offer was also rejected. This General Manager, on the other hand, stated that he could not listen to any complaints unless definite proofs as would be admissible in a Court of Law were given against particular members of the Railway staff."

Sir, lakhs and lakhs of rupees have been paid as bribe. We are told "Why do you pay?" What are we going to do then? If I have to go out of Calcutta, and you will not give me a seat unless I pay you this money, and still to be asked "Why do I pay?" When I ask you to come and see for yourself, when I give you the names of persons who take money, you say, "Better give me a proof. Is that the way to conduct such cases?" Is that the way to answer?

Then, Sir, I was told about discrimination in the matter of reservation. What did they do? Reservation was given to the American Express Company. I know, the Honourable Member will say that the Administration is under an arrangement with these Tourist Companies to give them compartments or carriages whenever asked for. Sir, I have seen the agreement. It says that when you have the space available and when the Railways can give the accommodation asked for, it may be given. Was this the time to give it to the American Express Company? The American Express Company had first, second, inter and third class compartments reserved and they earned commission on these reservations. Their men who negotiated with the booking office staff divided the ill-gotten gains made by them in addition to the fares that each man had to pay to get into the American Express Company's reserved accommodation.

**Mr Deputy President** (Mr Akhil Chandra Datta) Honourable Member's time is up

**Sir Abdul Halim Ghuxnavi.** Sir, one more sentence and I have finished. What did we ask? The Chambers asked that the Local Advisory Committee should be consulted. What is the Local Advisory Committee

for? The General Manager refused. I brought the whole matter to the notice of the Chief Commissioner, but red tapism prevails and he would only accept what he receives from the General Manager and he would not enquire if what we said was true or not. Every statement that I made to the Chief Commissioner was substantiated by evidence and proof is in my possession. The only reply I get is that he was very sympathetic, but that he was satisfied that the General Manager had done whatever possibly could be done. Sir, I ask the Honourable Member to institute an Enquiry Committee and I am sure I will be able to produce evidence to substantiate the allegations made.

**Dr. P. N. Banerjee** Sir, the outstanding characteristic of this year's as well as the last year's budget is prosperity in adversity. The war situation is becoming more and more difficult every day, the poorer sections of the community are groaning under the load of high prices, all classes of the people are suffering from the effects of a high level of taxation, and yet the Railways are producing huge surpluses. Is this not a strange phenomenon? If we go deep into the causes of this happening, what do we find? We find that war situation has been responsible for a large part of the revenue, that is to say, what the military traffic has paid in the way of fares and freights has gone from the general revenues to railway revenues. Secondly, the facilities have been greatly restricted. Passengers have suffered a great deal, there has been enormous overcrowding, trains have been delayed, and industry and trade have suffered very greatly. The other day my Honourable friend, Mr. Deshmukh, pointed out the difficulties of the cotton cultivators. The coal industry has been hit very hard and various other industries have grumbled. In spite of all these handicaps and hardships the fares and freights have not been reduced. So, that is a sort of contribution to the railway revenue. You have restricted the facilities, but you have retained the fares and rates at the previous figures. There is however, a third factor to which no allusion has been made by the Honourable the Railway Member. Two years ago, the fares and freight rates were raised and that enhancement of fares and freights is one of the causes of this surplus. I do not know why the Honourable the Railway Member forgot to mention this fact.

**The Honourable Sir Andrew Clow** Entirely modesty

**Dr. P. N. Banerjee** I thank him for his modesty and I hope he will show more modesty when the time comes for the reduction in fares and freight rates. It is clear that these three factors have been responsible for the huge surpluses. If the surpluses had been the result either of the luck of the people or of the pluck of the Government, there would have been cause for jubilation or congratulation, but neither of these has happened. Therefore, we have to consider in a sober manner how the surpluses have accrued and for what purposes they will have to be utilised. Coming to the latter point, in normal circumstances we would have urged a reduction in fares and freights. But the situation is abnormal and, therefore, we are of the opinion that for the present the Railway Member's view may be accepted that the surplus should go to the general revenues.

**Mr. Lalchand Navalrai** That is your view, not ours

**Dr. P. N. Banerjee** Yes, perhaps you are of a different opinion. But my view is that this will help to ease the situation in other respects, and I hope the Honourable the Finance Member will not come forward with a fresh measure of taxation before the Assembly, because the enhancement of rates and freights is itself a measure of taxation.

**Mr N M Joshi** (Nominated Non Official) A bad method of taxation

**Dr P. N. Banerjee** It is a bad method of taxation, but this bad method of taxation has given us substantial surpluses, and the surpluses may be utilised, as the surpluses have actually come, for giving relief to the general taxpayer.

**Mr. N. M. Joshi.** This is the general taxpayer too

**Dr P N. Banerjee.** This brings me to the separation convention. The Honourable the Railway Member does not find it possible to stick to the separation convention in its rigid form. There is a departure from that convention, and he asks for a moratorium. Although, in normal circumstances, I would have urged him to give effect to the separation convention to the fullest extent, yet the situation being what it is, I would agree with him with regard to the slight departure which he has made from that convention. The view held by the Auditor General that no surplus can be said to accrue until all debts have been paid off is a sound one. Therefore, the Honourable the Railway Member is entitled to pay the bulk of the surplus to general revenues, and a portion to the Depreciation Fund. The Railway Reserve Fund may wait till the next year.

Now, I should like to say a word about the budget estimates. In 1939-40, the estimated surplus in the budget was 2.13 lakhs, and the actuals amounted to double that amount or slightly over, namely, 4.83 lakhs. In 1940-41, the budget estimates were for a surplus of 8.29 lakhs, and the actuals realised amounted to a considerably more than double that figure, namely, 18.46 lakhs. In 1941-42 the surplus that was budgeted for was a figure of 11.83 lakhs, whereas the revised estimates are for 26.20 lakhs, or substantially more than double. Sufficient margin is left here for the element of speculation. The figures show a great deal of disparity between the original budget and the actual amounts realised. How do you account for this disparity? I am one of those who think that in budgeting a policy of caution should be adopted. But when this policy of caution goes too far, the Honourable the Railway Member is accused of deliberately over-estimating the expenditure and under-estimating the revenue. This charge has been levied against him time and again, and the Honourable the Railway Member has not been able to refute it. Now, in the present Budget we expect a surplus of over 27 crores. We do not know how the actual facts will turn out, but it is regarded as probable that this figure will be exceeded. I agree with the Honourable the Railway Member that there is an element of speculation in this estimate for the coming year, but even making allowance for that element of speculation, it may be held for certain that the figure given by him will be very greatly exceeded.



Sir, the Honourable the Railway Member is not satisfied with the huge surplus which he got last year and the huge surplus which he is expecting in the coming year, but he wants to get a further amount by enhancing the passenger fares and freight rates. Now, is it right on his part to take this step? He does not want to enhance the fares and freights on the ground of financial necessity, but he says that locomotives are wanting and the train services are unable to bear the great strain that is being put on them, and the argument advanced by him is that in order to discourage people from travelling, the soundest way is to raise the fares and freights. This is a wrong argument. When there is adversity, you urge the enhancement of fares and freight rates, and when there is prosperity, you again urge the enhancement of fares and freights. So whether it is adversity or prosperity, the burden on the passengers and on trade and industry must be increased. This is not a correct thing to do.

**Mr Deputy President (Mr Akhil Chandra Datta)** The Honourable Member has two minutes more.

**Dr P N Banerjee** Sir, please give me two minutes more.

**Dr Sur Ratanji Dalal (Nominated Non Official)** That will be four minutes.

**Dr P N Banerjee** It is clear that if the Railway Member enhances the fares for the intermediate and third class passengers, that will impose a great burden on the poorer sections of the community. It is not these classes of passengers that indulge in joy rides on railways. If you have to prevent joy rides, you should increase the fares for the first and second class passengers. I find, however, that for second class passengers travelling between certain distances, the fares have been reduced, while for certain other distances they have been increased. I do not know what the net result will be, but I must emphasise the fact that the intermediate class and the third class passengers are unable to bear the additional strain on their purse.

**Mr. J. F. Raper (Government of India Nominated Official)** Might I explain the position, Sir? The fares have not been reduced for first and second class passengers. If the Honourable Member examines the statement he will see that there is no reduction at all—rather there is an increase.

**Pandit Lakshmi Kanta Maitra:** Don't you think there will be an enhancement?

**Mr J. F. Raper** There is definitely an increase; and there is no reduction.

**Dr. P. N. Banerjee:** The net effect will be an increase.

**An Honourable Member:** No.

**Dr P. N. Banerjee** Then if you want the passengers to avoid railway travelling, you should offer them alternative means of transport, but you are not doing that. By petrol rationing and various other means, you have practically killed the motor transport business.

Now, Sir, there are two points which I should like to touch in this connection. The first is the dismantling of certain railway lines. In regard to this, I find that the capital expenditure which was originally incurred in constructing these lines has now been actually written off partly under one head and partly under another. But these rails and other materials were sent out of the country for the purpose of defence of Britain, and not of India, and, therefore, the British Government ought to make good the loss to India.

As regards the amalgamation of Railways, I welcome the step that has been taken, but I hope this policy will be carried further.

As for State management, it is quite right that some more lines have been brought under State management. But I must express my own personal view that the State management has not so far yielded that amount of advantage to the general public and to the taxpayers which they had a right to expect. Why was the State management urged in this House? Because it was hoped that the Railways would be administered in the interests of the country.

**Mr Deputy President** (Mr Akhil Chandra Datta) The Honourable Member's time is up.

**Dr P. N. Banerjee** I admit that to some extent improvement has not been made, but nobody can say, even the Railway Member himself will not assert, that all the advantages we had expected have accrued. If fruitful results are to be achieved in this regard, the Government will have to change their policy with regard not only to rates and freights but with regard to facilities afforded to passengers as well as to trade and industry.

**Maulvi Muhammad Abdul Ghani** (Tirhut Division, Muhammadan) Sir, I appreciate very much the efforts of my friend, the Honourable the Railway Member, to have all the golden eggs with one stroke. He has proposed to increase the rates and fares, and as has been pointed out by previous speakers, it is a plausible plea. He says that the public don't want to give up their habit of unnecessary travelling. In this connection may I ask him whether he has stopped the practice of his own employees travelling over the railways with free passes? Has he stopped the system of granting free passes to the railway employees? I think about ten lakhs of free passes,—I am speaking subject to correction—are issued, even at the present time, and in these days, as you all know, about fifty per cent of trains have been curtailed on almost all the railway systems, and yet the Honourable the Railway Member has never taken the trouble to get into a third class or inter class compartment to find out what amount of over crowding exists. I think that he should travel in the third and inter class to see how the third and inter class passengers are being inconvenienced these days.

As regards the rates, you will find from page 13 of the Railway Administration Report, Volume II, that the fares of third class and inter class passengers have already been increased. They are being increased from year to year. The rate of fare for inter class passengers on first class railways was 406 pies in 1939-40, it was raised to 430 pies in 1940-41. On second class railways it was 561 in 1939-40 and in 1940-41 it was raised to 567. Similarly, over third class railways it was raised from 528 pies to 530 pies. As regards third class passenger fare it was raised on class I Railways from 29 pies in 1939-40 to 305 in 1940-41. Over second class railways it was raised from 878 pies to 884 pies and so on. This shows that there is no room for any further increase in the fares of inter class and third class passengers. Now, if you turn to the first class fares, you will find that it was reduced from 174 pies in 1939-40 to 171 pies in 1940-41 over first class railways. Similarly, over second class railways it was reduced from 227 pies to 221 pies, and so on. Thus, there can be some scope for increase in the fare of first class passengers, but instead of doing that, the Honourable the Railway Member has picked out a class of people who have got no voice, who do not know how to properly represent their case. In this way he wants to raise about a crore of rupees. But he should have been satisfied that next year he is going to have a gain of Rs. 26 lakhs over the strategic railways over which he used to have a loss of about two crores. Instead of making a loss as he used to before, he is making a gain of Rs. 26 lakhs and he should have been content with that gain but he is not.

Again, there should have been adequate control over the railway finances. The last audit report shows that crores of rupees have been wasted on account of inadequate supervision and control over the railway finances. You will find from the report that a list has been prepared of losses under heads of abandonment of claims, remissions, shortage of stores, revaluation of stores, shortage of coal and other kinds of losses which have been written off on account of their being time barred. Such losses amount to several crores. If the Honourable Member had taken the trouble of controlling the various railway administrations, he would have been able to save very easily those several crores, but instead he is after the poor third class and inter class passengers. Again, in the same audit report you will find that after meeting all the necessary expenditure there was a net saving of Rs. 88,09,525 in the year 1939-40. This is a kind of hoarding money; this is nothing but bad budgeting. If careful scrutiny is made, the budget might give the Honourable Member the savings which he desires to have. So, instead of tapping all the legitimate and proper sources, he is tapping the wrong sources.

In the concluding remarks of his budget statement the Honourable Member wants a compliment for the State-management of railways. He says:

'The fact that after a fairly long experience of State management public opinion is, on the whole, strongly in favour of further enlargement of its scope, is a compliment to those responsible for State railways.'

I say it is not so. It is not on account of that fact—but as we cannot turn them out, as no father turns out a son who is extravagant. The thing is that we want to keep the Railways under our own disposal and control. It is not a compliment that the officers of the State-managed Railways are controlling well. I have recited examples from

[Maulvi Muhammad Abdul Ghami]

the audit reports. They are not peculiar to the year 1939-40. It is going on for a long time. If you compare the previous audit reports, you will find that the losses are more. So the Honourable Member will, I hope, agree with me and amend his remarks. The second thing which he has remarked at the conclusion of his speech is that he cannot look to the grievances of Assistant Station Masters or the appointment of clerks and so forth as he could not be approached like the Moghal Emperors who allowed their subjects direct approach or access to them. I think he has made observations which are contemptuous of the old Moghal Emperors. He should know that there were many in the list of Moghal Emperors who did not touch a single pie out of the public exchequer for their own personal expenditure.

**The Honourable Sir Andrew Clow:** I can assure the Honourable Member that no disrespect was intended. I was merely stating that in modern conditions it was not possible for me to follow that example.

**Maulvi Muhammad Abdul Ghami:** Then you might have expressed it in other terms. We take exception to such remarks on behalf of the Indian people.

**The Honourable Sir Andrew Clow:** No, no.

**Maulvi Muhammad Abdul Ghami:** It may not have been meant but the way in which this has been expressed shows that the Honourable Member has contempt for the way in which the old Moghal Emperors did their duty. Many of them never took any public money for their personal use and yet they never failed in their duties. They used to go out on round at dead of night to guard the interests of their subjects. They cannot be so contemptuously dealt with.

**The Honourable Sir Andrew Clow:** May I repeat that there was no contempt at all. Quite the reverse. I have great admiration for the system. I was only explaining that it was not possible to follow it today.

**Mr Deputy President (Mr Akhil Chandra Datta):** The Honourable Member has said that he did not mean any contempt. The matter should not be pursued after that.

**Maulvi Muhammad Abdul Ghami:** I was only pointing out that it is the duty of the State officials to look to the grievances of the staff when they are brought to their notice. Cases have been cited by my Honourable friend, Sir Abdul Halim Ghumanavi, to which they have turned a deaf ear. Is that the proper way of dealing with them? Their plea is that they cannot get time to dispose of such things. We do not press that they should always give time for such things but on rare occasions they ought to test whether their subordinates are working well or not but they are shutting their eyes. They are simply after money. This kind of thing cannot be tolerated and I think the time is coming when a cut motion will come before the House. We will point out in detail the losses and the ways in which they are extravagant. With these observations I resume my seat. The time saved by me may be utilised by other Honourable Members.

**Mr. Jamnadas M. Mehta** (Bombay Central Division Non-Muhammadan Rural) It was a somewhat epoch-making budget that was presented to us in the speech which was delivered by the Honourable the Railway Member. I have the deepest sympathy for the strain and stress to which the railway resources have been subjected on account of the war and I am full of admiration for the heroic attempts that are being made by the Railway Administrations to help the war effort on the one side and to cope with the growing traffic on the other. I am impressed by the sustained endeavour made by them during the last 30 months of the war with decreasing rolling stock and depleted personnel. In fact, I agree with the Honourable the Railway Member that these officers and men deserve our great gratitude. He told us that with increasing years the speed of his rolling stock was bound inevitably to fall to some extent but he hoped that the speed of the officers will not decrease, if it could be helped. Is it also permissible to hope that their intelligence will keep pace with their speed? I am glad to have the assurance that every effort will be made to avoid unnecessary hardship but I am bound to say that it would not be right for the Railway Board to rest on its oars. They will have to put themselves to a further period of stress and strain in order to meet civilian requirements, because the one great condition of a successful war is that civil life will be kept as nearly to the normal as it is possible and in that direction much remains to be done.

I only find one omission in the Railway Member's speech. He has been rightly glorying in the pride of his achievement. He has been somewhat cynical about the wisdom of his critics. He is almost lyrical about the wisdom of his officials but he is silent about the exploitation of the workers. He has no time to think of giving them credit and gratitude. In these days seven lakhs of railway workers are doing their best with growing cost of living and with no corresponding remuneration to keep the railway machine going. The House enjoyed the hearty laugh when the Honourable the Railway Member spoke about the growing age of his officers and I am hoping that their intelligence will grow with the speed of their work.

Now Sir, to have a proper understanding of this budget, the comparable year is 1935-36. The only way in which you can test whether this budget reflects a sound, prosperous and a desirable way of running the railways will be to compare it with the basic year 1935-36. By that time the years of the last post-war depression had come to a declining curve. Things were returning to normal. The huge increase in rates and fares which has been a feature of the last five years had not yet begun and, of course, the war was not on us. In every way, therefore, it is the year (1935-36) with which you must compare the three war years if you want to reach a correct conclusion as to whether the railway finances are being run in the interests of the State, the traveller, the trader and the taxpayer. If you compare them, you will find yourself confronted by three things. First of all, I shall give the figures. In 1935-36, Burma was still with us. I have, however, separated those figures. I am taking the figures of the Indian State Railways minus Burma, and what do I find? In 1935-36 the deficit was 1,82 lakhs plus the strategic railways because, like the poor, they are always with us. In 1936-37, there was a surplus of 1,21 lakhs. In 1937-38, there was a surplus of 2,76 lakhs. Later on in 1938-39, there was a surplus of 1,87 lakhs, in 1939-40, 4,38 lakhs, in 1940-41, 18,46 lakhs, the current year,

[Mr Jamnadas M Mehta]

26,22 lakhs, and the budget year, 27 crores odd. Here I wish to point out that the Honourable the Railway Member and the Railway Board seem so much ashamed of what they have taken from the public that they are hurriedly trying to conceal that amount as far as they can. The surplus of the current year is not 26,22 lakhs but nearly 30 crores. The Railway Board fear that the public will not stand this enormous exploitation and so they have started concealing the surplus and to call to their assistance their cousins and nieces quietly to share in the spoils so that the surplus may appear smaller. On page 2 of the Memorandum accompanying the Railway Budget you will find three items of 41,82,000, 81,00,000 and 2,20,40,000 which are taken from the railway revenues in order to show us a smaller surplus. In doing so, the Railway Board do not care whether they commit a breach of the separation Convention or a breach of the moratorium or a breach of sound financial principles. One thing and one thing alone which matters to them is that the public will not discover these huge surpluses. If you add these three items, the total comes to Rs 3,48,22,000, which, in my humble opinion, is very improperly extracted from the railway revenues. I shall deal with these figures at greater length at the time of the cut motions. Today I only say that the surplus for the current year is not 26,20 lakhs but it is 29,63 lakhs. And the surplus for the budget year is deliberately on a fixed principle that the surplus should appear smaller than it really is. It is not going to be 27 crores unless some dramatic changes appear, and I am told that the Railway Board in framing their estimates do not depend upon dramatic events like earthquakes. Although their estimates are guesses, they are not speculative. They are not estimates, they are guesses but not speculative guesses.

And now let me ask why has the Honourable Member budgeted for 27 crores? Is not the war likely to go on for this year with increasing tempo, to use his own words? Are not the supplies to go on with greater speed to the various theatres of war? Are not his increased rates and fares and freights going to bring him a crore of rupees more? Are not the buses and other modes of travelling going to be paralysed on account of petrol rationing? All these things are there in ever increasing tempo. The bus service will very nearly decrease by 30 per cent or 40 per cent. Although he admits that he cannot look with complacency on the situation, which means that the war may go on intensely, yet he has budgeted for only an increase of 80 lakhs. With the paralysis of the bus service, with the intensification of the war with the increase in rates and fares why has he budgeted for 27 crores when the current year's budget surplus is 30 crores and not 26 crores? During the last three years the budget estimates of the surplus are being exceeded by 220 per cent. The budgeted surplus of 1940-41 of eight crores has come to 18 crores and 46 lakhs. The same is the case with the current year. Therefore, I say that this under-estimating of revenues and of surpluses are a measure of the scheme which the Government feel at the ever increasing toll on the traveller and the trader. I, therefore, wish that the House will examine this budget from the basic year of 1935-36 and compare as to what has happened. Every year, almost since 1935-36, the railway rates and fares have been increased. In 1936-37, we had them increased. Later on also we had an increase although it is not mentioned. Then, we had the surcharges on coal and other things.

increased. Then, came the huge increase of 1940-41 and a further increase this year of one crore is visualised. The rates and fares have thus increased by ten crores per year since 1935-36—this is my estimate. Thus in six years time ten crores of additional income is received from rates and fares, the paralysis of bus service, the war and over crowding that are responsible for the additional surplus of Rs. 16 to 20 crores.

Now, Sir, who suffers by it? What is the result of this huge surplus. It is monopolistic profiteering of 30 crores in one year after paying all your working expenses and interest charges. Let us see what Sir William Acworth has got to say about such financial methods. I would ask Honourable Members to refer to para. 73 of the Acworth Committee's report. The result of the last six years working has shown as I will show in the light of the Acworth Committee's report that railways are no longer public utility services, nor national transport services, but a huge profiteering concern in which income is not based on the cost of transport, but on "what the traffic can bear" in the crudest sense of that phrase. The scale on which railway rates and fares are fixed has nothing to do with the cost of transport. Rates are increased not merely by driving a pair and two but a coach and four through the provisions of the separation convention of 1924. Wherever it suits them they follow the convention, whenever it does not suit them they ignore it. They alternately accept and reject it, they treat the moratorium on the same footing. The only consideration is that they must get more money as railway surplus. In addition predatory rids are made on railway revenues which it is not possible to disclose in a short speech in this general debate. But the fact is that railway rates have become taxation and not cost of service, and here I quote the testimony of the Acworth Committee report. It says that "all economists agree that taxes on transport are an undesirable method of raising revenue". If they want to tax, let them tax openly. Sir, here is a great authority that says that taxes on transport are an undesirable method of raising revenue. The railway rates and fares have today become not merely rates, but heavy taxes. What are the results? If you want to understand railway policy and railway finance, there are three master keys. They are first, the imperialistic yoke, second political nepotism and third, capitalistic greed of the Railway Board. If you keep in mind these three master keys, then you will realise that the customers of railways—the traveller and the trader are being robbed in a thousand ways in order to feed these three exploiters of the railways. It is not true that the railway rates here are the lowest in the world. I challenge that statement and I shall prove that it is incorrect. Nominally the cost of a mile of railway journey may be a few paise, but the rate which I pay for travelling a mile out of my income of the day is much greater in India than the rate which the Britisher pays for travelling a mile out of his income of the day. The railway rates are the highest in this country. It is not correct to say that they are the lowest. Then Sir, the resultant sufferer is the worker and the customer of Railways.

I tell you what happened during the last ten years. From 1930-31 till today, the Railway Board have deprived the railway worker—not the Railway Board, but the Government of India, I should say, because for the Railway Board I have got the tender feeling, the Members of the Railway Board are often themselves the victims of State policy, therefore,

[Mr Jammadas M Mehta]

I do not blame them very much as I blame the imperialistic policy, the political nepotism and the greed of the Government of India to get most out of the railways. The Railways will forego these heavy rates if they had the way. The Railways do not need these as a Commercial organisation. But it is these three which have deprived the railway worker since 1931-32 of an annual income of nearly five crores of rupees. If you will examine what is the working cost of 1930-31 and 1931-32, you will find in the next year a reduction of five crores of rupees the bulk of which came from the pockets of the railway workers. Then came two years of a ten per cent cut. This was restored because the higher officers would not stand the cut. Many lakhs of rupees were taken from the workers' pocket in that way. Thereafter, new rates of pay were introduced which were somewhere between ten per cent and 30 per cent lower than the old rates before 1929-30. The workers have thus lost six crores a year. Against this loss, all that they have paid is seven lakhs of rupees for Provident Fund and about two crores dearness allowance—a net loss of four crores a year to the railway workers.

The claims made on behalf of the railways must stand modified in the light of my submissions, that the comparable year is 1935-36, that the traveller and the trader have paid through their nose, that the railways themselves are ashamed of getting a larger surplus and, therefore, they are concealing it, that the third class passenger is paying ten crores more since 1935-36, that the railway workers have since 1931-32 lost it least six crores a year against getting two crores and a few lakhs per year, that the cost of living is ever growing higher and higher. I shall develop the rest of my points later on but today I cannot do so. I am distressed at the revealing document the Railway Budget which is neither for the good of the traveller nor for the trader nor for the worker, but which demoralises the Government and makes them unperturbed to the need to explore alternative avenues of transport. An Englishman has given them an alternative for coping with the increased demand for transport an alternative of "Guideways." The Railway Board knows it. Sir Guthrie Russell has pronounced his blessings upon it. But the Railway Board will perform no experiments. They will not try alternative methods of relieving the pressure on traffic because they are hounded in their convictions that outside their charmed circle, no wisdom lives. Sir, I have finished.

**Dr Sir Ratansi Dalal** Mr Deputy President I shall not detain the House for more than a few minutes. In the first place I heartily congratulate the Honourable the Member for Railways on his lucid, illuminating and interesting budget speech. During 1941-42, developments brought about by the war suggested a spectacular increase in railway earnings, and it is gratifying that these anticipations have been fulfilled. In presenting his Railway Budget the Honourable the Member for Railways disclosed to this Honourable House phenomenal profits earned by the Indian railways representing the beneficial effect of the war. It is most gratifying that the budget estimates exhibit a surplus of 18½ crores for the year 1940-41, 26½ crores for the year 1941-42, and 28 crores for the year 1942-43. It is only because of the war that these unexpected surpluses have accrued. Now, Sir, the effect of financial adjustments will be that by the end of 1942-43 the railway debt to the general revenues will be fully paid,



and outstandings to the depreciation fund will be reduced to a little over 15 crores. So the war has helped greatly in stabilising the railway finances, indirectly the war has helped in placing the State finances generally on a sound basis and to some extent in mitigating the upward trend in taxation. The fact that while railway revenues remained high, the expenditure did not proportionately increase provides its own tribute and redounds to the credit, efficiency and financial prudence of the railway authorities. And what modest enhancements there are in passenger fares and parcel rates will be cheerfully borne by the public. One great feature of the railway budget is that the State management is expanding and enlarging. The number of State managed railways is on a considerable increase, and this nationalisation of essential services is a move which the public will cordially welcome.

Now, Sir, my Honourable friend, Maulvi Abdul Gham, referred to the question of free passes. So, Sir, I shall just say one word as regards the passes given to railway servants. Some Honourable Members are most anxious to abolish altogether the system of railway passes in India. But, Sir, a pass is a very useful way of giving a railway servant something that is of profound value to him—in fact it is a part of his remuneration, and it is an incentive to good men to enter the railway service. It also assists a railway servant to take holidays and thereby to keep him fit for his work, and it affords him facilities for travelling to his home, which is very often at a considerable distance from the place where he is stationed. What is more the system of railway passes is prevalent in most of the railways of the world.

Now, Sir, I shall pass to a very important point which greatly exercises the public opinion. Recently murders and dacoities and robberies have occurred in trains on the different railways in India. I consider that measures should be adopted to secure the safety and security of passengers. I am not a railway expert, but I think corridor train with adequate police patrols would afford a safeguard and is the best solution of the problem. Sir, I fully realise that this is a very controversial subject, and if the problem is carefully thought out, reasons both in favour of and against the proposal will present themselves. But personally I think that the reasons in favour of the proposal preponderate, and I think that it has reasonable possibilities of being beneficial, provided an adequate and suitable staff of police is provided on the trains for protective purposes. Therefore I would suggest that the Railway Board should convene a conference of experts, and that this question should be carefully discussed and thoroughly thrashed out and a decision should be reached. If the conference reaches a decision in favour of this proposal, namely, corridor train with adequate police patrols, I submit that the rebuilding programme may be taken in hand after the war.

**Mr. Govind V. Deshmukh** (Nagpur Division Non Muhammadan) Sir, the first point that I should like to touch is, as has been said, the diminution in capacity to carry passengers. The surplus of this budget has been due this year to extraordinary circumstances, namely, the military traffic. The diminution in capacity to carry passengers is also due to the same circumstances. Might I suggest one thing which has led to the diminution partly of the capacity to carry passengers and the solution also? The diminution to carry passengers has been suggested, and the solution has been suggested for it by attacking the passes for the railway servants,

[Mr Govind V Deshmukh] which I do not wish to touch. Let them have it. Another solution that has been suggested is that there should be no sloons,—that suggestion I would endorse. But let me, under the circumstances which have come to my knowledge, point out one difficulty, particularly as regards this capacity to carry passengers. When ordinary passenger trains carry military officers there has been a cause of reducing the capacity of the passengers in these trains in second and first class compartments. I have had several occasions to get into second class compartments which contained military officers, and I have seen several persons who wanted to get in being refused entrance by the military officers saying that only two could travel in those compartments. Of course other persons who did not have courage to fight passed on to some other place where they could be accommodated even at the risk of congestion, but whenever I saw this kind of thing I made it a point to get into the compartment, and whenever the military officers said that only two could travel in that compartment I said that I would get in and if they had any complaint to make they could report to the Station Master or the Guard. I have pointed out one instance this morning when the question was put by me and answered by the Defence Secretary. That was also a reason of the resistance on the part of army officers not to allow any passenger in, and this happens frequently. I have often, while travelling, solved this problem by getting into the compartment even at the risk of fighting. It is very likely that the men who are occupying high positions do not wish to fight. Very likely they feel that their dignity would be injured. I am not afraid of that, and I have solved this problem several times in this way and I have helped others to solve it in this way. And this is not a solitary instance. This morning's instance which was put in the form of a question was a glaring instance of its kind. The I.C.S. officer who is in charge of Police portfolio and military portfolio had gone to a second class compartment. A military officer who was in resisted his entry. The army officers resist the entry of other passengers and ordinary passengers have no relief given to them. What is then the solution? I was, therefore, suggesting this solution while dealing with this point that at every station on the platform there should be a sufficient number of police officers to help passengers to get into the compartments. Third class compartment is slight and where the entry of second and first class passengers is resisted, there should be police officers to help them. At times the Guard is very busy. It is very likely that the train is late and that the passenger comes in time when the Guard cannot be found. On such occasions, at least, there should be a Police officer whose help could be sought to force an entry into the compartment where the passenger's entry is resisted.

Then, Sir, while dealing with this point, namely, the help and assistance which the passengers ought to receive when they wish to get into the train, I am going to deal with the point which is connected with the Railway Police administration. You will find, Sir, that there have been various difficulties which have cropped up on account of the obstinacy and boorish conduct of these persons—the army people and the navy people who are on the platform. One instance I have already referred to in my question this morning. Another one about the Navy officers at the Madras Railway Station is this.

‘Two sailors attached to a steamer, now in the Madras Harbour are alleged to have behaved in an unruly manner in the Central Station yesterday and assaulted some passengers including a lady under the influence of drink.’

And these people did not get any relief or help immediately. They had to wait for a very long time. A considerable commotion was caused and the police was on the spot when there were a number of people to rescue those who were ill-treated. These are the persons who are to be relied upon for the peace, and internal safety of the public. This is certainly a disgrace. I hope some steps will be taken to remove these grievances by providing efficient Police administration to look after the accommodation of passengers and to look after the safety of passengers on the platform.

**Maulana Zafar Ali Khan** (East Central Punjab Mahammadan) Why not make separate arrangements for the travel of military people?

**Mr Govind V Deshmukh** That is of course a suggestion, but I am also stating that in spite of the fact that there are trains which solely carry the army, the trouble arises on the trains which carry mostly civilian passengers, because the military officers travelling on those trains resist the entry of other second class passengers. I attribute this to their wicked conduct, as I call it. Never mind what their dignity is, never mind what their position is. The trouble arises because of them and I have suggested this solution. I hope due attention will be paid to it and these instances will not be forgotten.

Then, Sir, I wish to refer also to murders and crimes committed on the trains. Dr Dhal has already referred to murders. This also means that the Railway Police administration is inefficient. When the Railways are spending so much on

**The Honourable Sir Andrew Olow** I have been very reluctant to interrupt the Honourable Member, but I am not responsible for the Railway Police Administration and cannot deal with that subject in my reply.

**Mr Govind V Deshmukh** Well, I hope, Sir, at least the Railways, if it is not responsible for the administration of Railway Police, will seek the co-operation of the appropriate authority and bring to the notice of that authority the instances which happen and suggest that the persons who are employed to look after the safety and the ingress of the passengers into the compartments shall be competent and efficient. The passengers ought not to suffer for want of appropriate protection from the Police—never mind who the authority may be. You should not say that you are not concerned. Are you only concerned with the carrying of people from one place to another and getting money out of their pockets? You must see to the safety of those who travel by your Railways, otherwise you should announce to the general public that you are not responsible at all for their safety. You must tell them that you are not responsible for what happens to them in the railway carriages or on the platform. If you have undertaken this task as carriers of passengers, there are so many responsibilities attached to it. How can you denounce those responsibilities? It would be extremely selfish of the Railway Department to dissociate itself of this responsibility—a moral responsibility, if it is not a legal responsibility—and say 'Never mind what happens, we are not responsible.' This is not the excuse that can be put forward. When you undertake to carry a person, the responsibility to see that he is carried

[Mr Govind V Deshmukh ]  
safely is yours. In fact, from the moment he enters your jurisdiction that is the railway station, your responsibility to give him protection from all circumstances begins.

Now, Sir, having dealt with this portion which, as I have said, has arisen because of military people travelling on trains, I will refer to the other point namely, the situation of the agriculturist under this budget. I am very glad that the Honourable the Commerce Member has come up just in time. I think, I am very lucky. The first thing I should like to say is that whenever I speak about the agriculturists, I do not speak from instructions, I do not speak from any brief prepared for me. I am an agriculturist myself. My ancestors have been agriculturists and they have had military traditions. I am not one of those who belong to the legal profession and are coached up by somebody to speak for agriculturists. I am an agriculturist myself. My interests rise or fall with them, and, therefore, I speak for the agriculturists as a class. Sir, having said so much, let me also say that I have heard that an impression is going round that I am merely a lawyer and I just speak because I want to speak. Nothing of the kind. I suspended my practice in the year 1921.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) Whose is that impression? Nothing has been said from these Benches to justify such an impression.

**Mr Govind V Deshmukh** Well, I have said that an impression is going round. But I have come to know this and I do not want to say who brought this information to me. I am saying all this because I am an agriculturist. I have had my hand on the plough, and I have had my hand on the sword. I am speaking as an agriculturist. Nothing has been done in this budget for the agriculturist, but he has been saddled with extraordinary liabilities. If there has been any relief given, as has been said by the Railway Member, it is to the taxpayer. These are his words.

"Finally the bulk of the increased revenue would go under present arrangements to the taxpayer and thus permit them to be relieved in other directions."

The agriculturists are not taxpayers. 70 to 80 per cent of the population are agriculturists. How many of them pay tax? Therefore, if there is any anxiety on the part of the Railway Board to do anything it is for those who pay taxes, not the agriculturist. The Railway Commissioner has also said something about the agriculturist, which does not really benefit them. Having given no relief, they should have at least maintained the position as it is. But no. They have gone a step further. How? They have taxed the agriculturist in this way. The third class fare is raised. The agriculturists are the persons who travel third class. Then again food grains are included in articles of which freight is increased—this is what the Chief Commissioner for Railways said.

"Food grains being included, a slight increase in the charges for small consignments, which for foodgrains would amount to 2 annas in the rupee, the existing charges being retained for consignments in wagon loads."

Therefore, if the agriculturist wants to bring things in small quantities, he must pay the higher rate. If he wants to send something in small quantities, he must pay at the higher rates. How many agriculturists are so rich that they can take wagons or send their things in wagons? The

ordinary agriculturist whose holding is anywhere between ten to twenty acres is not the man who can take wagon loads. The man who carts edible fruits, say oranges, cannot take wagon for himself. Not only the Chief Commissioner has said this, but the Railway Member also.

**Mr Deputy President** (Mr Akhil Chandra Datta) The Honourable Member has got two minutes more.

**Mr Govind V Deshmukh** I will finish within that time. As I was saying the Railway Member has said the same thing, in respect of food-grains. Now, if the railways were in want, and then saddled the agriculturist with this burden, that might have been a redeeming feature but they are not in want, they have given him no relief. And how much do they gain? The revenue likely to come in is small, and so why not forego it in the interests of the agriculturists? Why do you tax that fellow who is poor, if you are not badly in need of it and when you are not likely to get much out of it? Why do you not forego this little thing altogether from the agriculturist?

Sir, the agriculturist is the person who has been hard hit on account of the war. Prices have gone down and the last thing that I can expect, therefore, is that if all this must be done, if no relief can be given to the agriculturist and no compassion can be shown to him, at least these changes which are not to come into operation till the 1st of May, may be postponed till the first of July by which time the agriculturist meets most of his needs. If he has to order things, he orders them and if he has to send his things he sends them and makes provision for the coming season. I hope at least that much concession will be shown to him. Sir, I have done.

**Mr Deputy President** (Mr Akhil Chandra Datta) Mr Dumasia

**Mr Umar Aly Shah** (North Madras Muhammadan) Sir, I stood up several times, but I have not been called.

**Mr Deputy President** (Mr Akhil Chandra Datta) Order, order.

**Mr N. M. Dumasia** (Nominated Non Official) Mr Deputy President the Railway Budget presented by the Honourable Member for Communications has come like a whiff of fresh breeze to the congested lungs in a time like this. The admirable way in which he has presented a surplus budget entitles him to our congratulation and I wish to offer a few observations in appreciation of the results achieved by the Department which is represented in this House by Sir Andrew Clow. On the whole the Railway Budget is most satisfactory this year and there is no cause to find fault in it. The increase of revenue is very gratifying indeed, but the unfortunate part of it is that it is the war which has mostly contributed to it and it does not represent the prosperity of the masses. Be that as it may, in these hard times the war has created an opportunity in establishing railway finances, and indirectly in helping in placing state finances generally on a sound basis and let us hope even in putting a brake on the trend of ever rising taxation. More than the abnormal profits earned by the railways, I regard the sending of locomotives, wagons, rolling stock and

[Mr N M Dumasia]

even expert staff to other theatres of war as a superb achievement of the railway administration, but the question that is now uppermost in the minds of the public is, with India depleted of these materials, how these withdrawals which may prove a handicap if the war breaks out on India's soil, should be replaced and supplemented to meet the growing demand of the country itself? This is the most vital point in connection with the imminent danger to our country. I hope the Honourable the Communications Member will agree with me that an assurance on this point is absolutely necessary in order to inspire confidence in public mind and encourage the people of this country to help in minimising the danger if the threatened crisis materialises. I hope in his reply the Honourable the Railway Member will give us an assurance that if the war breaks out on the soil of India vigorous and successful efforts will be made by the Railway administration to cope with the emergency in the interests of the country. Are our resources adequate and are they being exploited to the fullest capacity? India would like to know whether a program me or a fixed plan is ready to meet the emergency. This much at least is due to the public and I am sure the Honourable the Railway Member will not miss this opportunity of taking the public into full confidence.

The Railway Member has fully explained the system on which it is proposed to divide the surplus between the general and the railway revenue. I will not say much about it. In my speech on the Budget in 1924, I quoted with approval a statement of the Chairman of the Bengal and North Western Railway Company that the policy of that railway had always been to keep its fares at a low level to encourage the growth in particular of its third class passenger traffic. I am still of the opinion that the fares should be kept as low as possible, but in the present instance the enhancement of fares are on such a modest scale, and the fact that they are below the level of the other State managed Railways, the additional impost will not be unduly felt, though strictly speaking it may not be considered right and proper, in view of the abnormal profits realised this year. The present conditions, however, afford a justification for the slight increase but I hope the policy of keeping fares at the lowest possible level will always be kept in mind. In regard to the surcharge on parcels, I am sure it will be readily admitted that the difficulty of transport will render more and more difficult in future as the supply of petrol will be very scarce in future and buses and other means of conveyance will hardly be available to take the parcels and other portable luggage.

[At this stage, Mr President (The Honourable Sir Abdul Rahim) resumed the Chair.]

It is true that there is a considerable strain on passenger and other trains at present, and it is contemplated now to reduce the number of passenger trains all over India. When such a necessity is imperative, it is absolutely necessary that all race specials all over India and other trains that run for mere pleasure of the public should be seriously curtailed. Government must have noticed that it is difficult to convey the necessaries of life from the mofussil to Bombay, Calcutta and other important cities, such as vegetables, charcoal and other essentials of life for the use of the general public. So far as it is possible after meeting the military demands, every facility should be afforded to the public.

for speedy and cheap means of conveyance of articles of daily necessity, otherwise the absence of such facilities will create hardship and discontent. While the Communications Member advises curtailment of railway journey, it is a pity that the railway management encourages the race going public. The money should not be spent on running these race specials and every opportunity should be utilised in making more satisfactory arrangements for the conveyance of food stuffs and other necessities of life required by the general public. Effective economy in railway finances should be made at least during the period of the war. The running of all specials, saloons to high officials and the railway staff should be curtailed to the minimum, if not altogether stopped. Free passes to railway employees and their relations should be restricted. Railway and Government officials should make substantial sacrifices especially when an appeal is made to the public to avoid unnecessary travelling in order to reduce the pressure on railways.

Whether the war actually extends to Indian soil or not, the transport problem is already a serious one, and if it is not successfully tackled it may lead to serious results and affect the prices and supply of articles required for daily consumption and may lead to consequences which may be far from pleasant. While we all agree as to the necessity of precedence being given for military transports, and adequate and satisfactory transport policy for saving the public from unnecessary hardships and providing them with necessary supplies is absolutely necessary.

In conclusion, I join in the handsome tribute paid by the Honourable Sir Andrew Clow to Sir Leonard Wilson for the inspiring lead by him and his officers at this critical juncture, and I hope that under his spirited leadership, the Indian Railways will play a worthy part in the country's war efforts and at the same time provide a far reaching and beneficial plan for removing and minimising the hardships on the public, and preventing a disorganization of industry and commerce which is inevitable in the present situation.

**The Honourable Sir Andrew Clow** Sir, most Honourable Members began on a note of congratulation, and for that I ought to be, and am, grateful. I must admit that, when I went on to examine the rest of their speeches I found that their congratulations were limited to the fact that I had the luck to present a surplus, and that much of their speech was in anything but a complimentary tone. But I am accustomed to criticism. I have never been one who felt that I had a monopoly of wisdom, and that the others' points of view were not based also on full consideration and were not entitled to every bit of as much respect.

Sir, one or two Members laid stress on the rather fortuitous nature of the surplus. The Deputy President reminded me that success should not be measured merely by money and Mr Neogy, whom we are glad to welcome back again to railway matters, talked of the "artificial stimulus" which had produced the surplus. I quite agree with both the statements. It is an artificial stimulus, but I hope that when Railways again face lean times, if an economic blizzard again comes, it will be remembered that it is an artificial depression, and that if we cannot claim any large measure of the credit for the surplus, neither should we be given any large measure of the blame when the figures turn out the other

[Sir Andrew Clow ]

way I seem to remember a tendency, during the extraordinarily difficult years that some of my predecessors had to face, to place on Government or the Railway Board the entire blame for the fact that they were not showing a surplus, and I hope that if I do not claim for myself and for my officers the bulk of the credit for the surplus in the Budget today, in future years they will be shown some indulgence if we present a less rosy picture.

I do not, however, entirely agree with those who suggested that the surplus was not a real one or that it was merely some kind of book transaction between myself and the Commander-in-Chief or the Honourable the Supply Member. Undoubtedly the money that we are spending on defence and on supplies has made quite a large contribution to railway revenues. But I do not think it accounts even for the bulk of the surplus, and I would remind the House as I think Sir Henry Richardson mentioned that a fair amount of the expenditure on supplies is being met by a different Government altogether. Moreover the surplus does represent actual work done work that has to be paid for, and work that has cost labour and money. Professor Banerjee tried to analyse the factors which had contributed to it. I do not entirely agree with him and I must dissent from his suggestions that I had followed any deliberate practice of over estimating expenditure and under estimating revenue. Actually looking back I find I have not over estimated expenditure. I have been a little under the expenditure every year. The revenue has always exceeded my estimates, but one has to go on the factors visible at the time, and I should be very surprised indeed if the experience of finding the surplus double of what one expects is repeated next year.

Then Sir, Sir Henry Richardson voiced a complaint because I had not dealt with an entirely different subject,—in other words with the development of other forms of transport. He referred to a recent change in organization in another department for which I am responsible, the Communications Department, and said that this should have been done a year ago. I should like to follow him down that by path, but I feel that I will be straying rather widely from the subject if I deal with it at any length. I would only say two things. In the first place, Sir Henry Richardson, I think, was a little mistaken in saying that we had only started organization about a month ago. We did make a certain change then, but, of course, that matter had been not merely under consideration, but was under organization for some time previously. And in the second place,—in addition to the fact that I did not regard it as entirely relevant—I was also a little afraid of giving any exaggerated importance to it, because I had no doubt that certain sections of the press have been doing so. A prominent European paper last month in a leading article said

**Sir F. E. James** (Madras European) What is the name of the paper?

**The Honourable Sir Andrew Clow** It comes from the Honourable Member's home town.

**Sir F. E. James:** Not the one I was thinking of.



**The Honourable Sir Andrew Clow**

"The existing War Transport Board and the Provincial Transport Boards should be enlarged to include representatives of such organizations and all forms of transport should be placed under their authority. Thus co-ordinated, it will probably be found that the transport facilities available in the various provinces and States will prove adequate for all requirements."

Now, I can only say that that is founded on a complete misleading conception of the present position. We are out to develop and to give such help as we can through Provincial Governments and through the Provincial Boards of Transport to develop motor transport and other forms of transport. I hope we shall be able to increase the contribution they are making, but I doubt if the public realises the limitations imposed on us. I have had estimates prepared of the amount that can be carried in present circumstances by motor transport of goods. It amounts to less than two per cent of what the railways expect to carry this year. Although, as I say, we hope to increase that appreciably by encouraging the use of alternative fuels and in other ways, the amount of relief that can be expected there in the present difficult situation with which we are faced is comparatively small. But that will not be an excuse for not doing what we can.

Mr Jamnadas Mehta has suggested that the growing difficulty of the bus traffic was making a large contribution to the present railway revenues. I doubt if it was as large as all that, but, undoubtedly, the curtailment of other forms of transport has added greatly to our difficulties. Still, the bus traffic has probably not increased our difficulties so greatly as the very substantial curtailment in coastal sea traffic which has thrown on the railway traffic, particularly commodities like coal, that used to go by sea.

A good many Honourable Members dealt with the subject of fares and freights. Sir Abdul Halim Ghuznavi asked me a direct question, which was, when did I discover that fares and freights were substantially lower on the East Indian Railway and the North Western Railway than they were on other lines? To be quite honest, I suppose it was about a year ago. My Honourable friend, Mr Abdul Ghani, said that we were out to affect the poor who had no representative here. I thought that most of the Honourable Members on the other side stood as representatives of the poor. I did not realise that they were confined to representation of the rich. Actually, this is not mainly put on for purposes of revenue. I am often being pressed in this House to secure uniformity. There is a constant cry by one or two Honourable Members, is it not a fact that on such and such a railway something is not done in exactly the same way that it is being done on some other, if so, will you please issue orders to secure uniformity? These suggestions, I find, cost money, but when I attempt to secure something nearer uniformity in the direction that brings in money, that uniformity does not seem to be quite as popular as the other.

**Mr Jamnadas M. Mehta:** Uniformity in the right direction

**The Honourable Sir Andrew Clow:** Uniformity always tends in one direction and not in the other. But at a time like the present, the burden should as far as possible be evenly distributed. Sir Abdul Halim Ghuznavi said, that by increasing the rate on foodstuffs I get only a

[Sir Andrew Clow ]

flea bite of half a crore. I am not a Calcutta magnate and I have not got to a stage when I can regard half a crore as a flea-bite. But, if he will look at my speech again, he will find that this is not put on mainly with a view to revenue, it is put on for other reasons which I explained in my original speech.

Several Honourable Members drifted from the question of these small increases we are putting on, to the general question of fares and freights, and when was the right time to put them up. So far as I could gather, there was no right time, we must always put them down. But I put it to the House, you have to choose between having your fares high in times of prosperity and having them high in times of adversity. If you do not have your fares and freights at a level which will yield a balance when times are good, there is not the slightest doubt that you will have to put them up when the times are bad. That is the reason why, although a large surplus has been presented, we have not considered it a proper time to reduce fares and freights. Incidentally, such a step would add very greatly to our embarrassment at the present time. I dealt with that in the first budget speech I presented to this House,—the question of increasing fares and freights. I pointed out that if you were not going to pursue that policy of putting them up in times of prosperity, you would certainly have to put them up in times of adversity. That is what has actually happened in the past. As an Honourable Member has reminded the House, the increases were put on just at those most difficult times in the economic blizzard of 1931 '32 when, undoubtedly, they had their effect in adding to the prevailing depression. If I may venture to cite my own words two years ago, I said

'The railways, like every other form of industrial enterprise, must expect marked fluctuations in their working. Periods of general prosperity are followed only too surely by periods of depression and as the financial results of railway working depend closely on the economic situation in the country, a period of depression for the community is also a period of depression for the railways. Thus if railways fail to take advantage of times when the demand for their services is brisk the inevitable result is that when the demand falls off, they will be unable to meet their obligations to the taxpayer. That is precisely what happened in the years following 1928, the important consequence being that in 1931 '32, when the need of the taxpayer was greatest, the railways were quite unable to fulfil their obligations to him and had indeed, at a time of depression in industry, to enhance their rates."

One or two Honourable Members alluded to crimes or offences on railways. Mr. Deshmukh dealt with the lighter offences of discourtesy by passengers. We, on the railways, deplore discourtesy from passengers, but, unfortunately, it has been my experience

**Mr. Govind V. Deshmukh.** May I say a word? I dealt with one instance of discourtesy, but so far as the Madras instance is concerned, it was an act of rowdiness and there was disturbance to passengers which is not an ordinary crime.

**The Honourable Sir Andrew Clow.** I said that Mr. Deshmukh dealt with the lighter offences and I will come later to offences of a more serious nature. My experience has been, unfortunately—and I think it is shared by all who have travelled widely—discourtesy is by no means confined to this country. There is something about travel, and, particularly, railway travel, which seems to induce a feeling of selfishness in

passengers I found discourtesy shown to me by both Indians and Europeans. But I have never thought about it in this way, that it was because he was a European, or because he was an Indian. Unfortunately, there are a few discourteous people in all races, we regret it. But I would ask when instances of that kind occur, they should not be made generalisations and used to attack the community or class to which the particular person offending happens to belong.

**Mr. Govind V. Deshmukh** May I interrupt the Honourable Member? I did not attack the community. I merely said help should be given to passengers.

**The Honourable Sir Andrew Clow** The Honourable Member attacked no community, but I think, because some discourtesy was shown by people who happened to be military men, he suggested it is typical of the military officers as a class.

**Mr. Govind V. Deshmukh** Army officers as a class—yes.

**The Honourable Sir Andrew Clow** I would also say that, while we do all we can to ensure the comfort of our passengers, it will be a very heavy task if we are going to be responsible for every act of discourtesy and rowdiness that passengers may show in any of our stations.

Sir Ratanji Dalal dealt with more serious crimes,—crimes like murder and robbery on trains and suggested that the conversion of our rolling stock to corridor trains might possibly prove a solution. I very much doubt whether it would. I feel myself, personally, safer in a compartment with a few gentlemen, when I can bar the doors, than I would feel in a long corridor compartment, with the knowledge that there were dozens of other people of varying degrees of morality not very far from me who can come in in the middle of the night.

**An Honourable Member** Have police patrol

**The Honourable Sir Andrew Clow.** Then I shall have to provide a frightful lot of policemen. According to Mr. Deshmukh's scheme, I should have large posse of police at every station to show passengers into their compartments. I am not responsible for the Railway Police but I have to pay for some of them.

**Mr. Govind B. Deshmukh** Cannot you have some control over them? You are paying for them, then why can you not have control over them?

**The Honourable Sir Andrew Clow.** My answer to Sir Ratanji Dalal is that I do not think there is much to be gained by considering this question at present, because we could not possibly convert our rolling stock in time of war. We will have to depend a great deal on rebuilding which we are doing at present, naturally, at a slow rate.

I come now to the more important question of labour on which several Members had observations to offer. I was astonished to hear Sir Henry Gidney saying that persons could not obtain rest before they did 16 hours work on the railways on the running staff or even 21, and as this order had not been brought to my notice before, I sent for the order to which he was referring. I have now obtained the order, which is one which

[Sir Andrew Clow ]

begins with the words, "Guards and drivers may claim rest only after 18 hours continuous duty with the train." I feel sure that Sir Henry Gidney knows the railway system well enough to realise that it is not the whole order, that it is an order designed to meet those cases of emergency where, owing to breakdown or any other cause, a train cannot complete its journey within the normal time. You have an accident or a breakdown and a man may have to stay in the train for a very long time. This is an order which governs the case of getting rest in those circumstances. If Sir Henry Gidney will bring to my notice any case which provides for a sixteen hours continuous run for a man on the footplate, I can assure him that the matter will have my most immediate attention.

**Lieut.-Colonel Sir Henry Gidney** I promise to do so.

**The Honourable Sir Andrew Clow** Then, in the present circumstances there has undoubtedly been—and I have acknowledged it and acknowledged it gratefully—a very great strain on the staff, and, when I was talking of the staff I was not thinking merely of the officers. I was thinking of men in all capacities, down to the humblest. The suggestion was made, I think, that the staff was insufficient to meet the emergency. Now, the Railway Board have very recently dealt with this matter and they issued a circular as recently as the 31st January last, stating that they were greatly concerned at the frequency with which the flow of traffic and fullest utilisation of engine power is impeded by shortage of staff and they asked General Managers to make every endeavour to appoint extra staff as early as possible, particularly, on the main lines of communication. They went on to say "If necessary, you should erect temporary quarters, debitable to revenue, for such extra staff where required." It is realised that this is an urgent matter and that you may have to issue immediate orders for the construction of such quarters." So that I hope that relief will be provided where undoubtedly in some cases I admit it to be required.

**Lieut. Colonel Sir Henry Gidney** On a point of personal explanation I am grateful to the Honourable Member. My remarks related to cases of under rest anterior to the publication of that notice.

**The Honourable Sir Andrew Clow** Then several observations were made on the question of dealing with individual cases and the reference which I made, by no means with contempt but with a great deal of envy, to the Great Moghals. Their system is one which, I think, had very big advantages at the time in which they worked and it is one that I know Indian opinion has always looked back to with pride—the idea that you can take the smallest matter right up to the highest possible authority. I was not questioning the suitability of that system that obtained two or three hundred years ago. All I was expressing was my conviction that in my more humble sphere it is impossible for me to follow it. I would remark that the Great Moghals had no Posts and Telegraphs system such as we know it today so that the number of persons who could present petitions were much more limited than those who could present them to me. Moreover they were autocrats. They could issue orders without giving any reasons for them. They could not be called upon, as I can be called upon in this House, to explain—as I might be asked by Mr. Lalchand Navarai—why I made an exception from a particular rule or why this or that man was promoted and not somebody else or why a particular quota was not reached.

**Lieut.-Colonel Sir Henry Gidney** But Indian subjects knew what would be the fate of their petitions

**Mr. Lalchand Navarai:** In those days, they had a bell outside and any one who rang it was called in

**The Honourable Sir Andrew GLOW** We live in a more democratic age and I am a democrat and we have to have a division of responsibility. I think Sir Henry Gidney will realise, as a medical man, that even with the best will in the world it will be physically impossible for me to attend to my duties and to give personal consideration to every case of promotion that any one chooses to bring to me.

**Lieut.-Colonel Sir Henry Gidney** Not you The Railway Board

**The Honourable Sir Andrew GLOW** Even the Railway Board. They are just as busy men as I am. If they were asked to deal with every case of the promotion of a station master or cases of that kind, they certainly would not be able to carry on the duties which they are carrying on today. Nor am I sure that it would yield better justice. I find that in many of these cases that come to me endeavours are made to get my personal influence. I have to tell the gentlemen—and there are a good many of them—that I think it will be unfair to accede to their request. A man comes and says 'Here is my son. We are very poor people. He has, unfortunately, not passed the matriculation. If you can get him a clerk's post, what a great benefit you will be doing to me.' The other day I had a man who came to see me, bearing a letter from a friend in England who had been a personal friend of us, hoping that with this introduction he would be able to get orders issued to the General Manager to have him promoted out of turn. Now, all these efforts to get personal influence really involve, I feel, in a way an element of unfairness. It means that the person who can get access to me or a Member of the Railway Board, if they were to yield to that kind of thing, would have a pull over the man who does not know me and cannot get an introduction to me. Indeed, that is the object in most of these cases. Nor do I feel that I or the Members of the Railway Board are more fitted to judge what should be done in such cases than General Managers or heads of departments or other officers. We know the men less. We know the circumstances less and if the orders they pass in every one of those cases are to be subjected to revision, the machine will soon break down.

**Lieut.-Colonel Sir Henry Gidney** On a personal explanation, I am sorry the Honourable Member has talked of people coming from England with obits. I did not mean them. I was thinking of genuine complaints from the staff to the Railway Board, which are ignored.

**The Honourable Sir Andrew GLOW:** If the Honourable Member is dealing with general complaints such as the complaints put forward through Mr. Jamnadas Mehta that some persons were not getting the dearness allowance or the complaints that the grading of this and that is wrong, then the Railway Board and I are dealing with these matters. But if it is a case—and this is perhaps one of the hardest cases of all—of a man who, for example, has been punished in a lower category, then it is a different matter. He says that he had appealed and probably the General

[Sir Andrew Clow:]

Manager had also looked into the case. Now, he wants to come to the Railway Board and, if they do not satisfy him, to me. If we were to deal with every case of that type, we will be overwhelmed because it has been my experience that we are all poor judges of our own cases. If they do not get what they want, it is extremely difficult to convince them that they have been fairly dealt with.

Sir Ziauddin Ahmad and Maulana Abdul Ghami were rather nearer the point when they said that the importance of this kind of work was that an occasional check would make sure that justice was being done. But the people who come to me and who want me to take up their cases do not come to me in order to have a check on the administration generally. They come to take advantage for some particular individual. I recognise that this is a very important and a very difficult subject and I wish I could develop it further. But I have laid before the House the conclusions to which I have come by my experience and I believe the House also must ultimately come to these conclusions if we are to carry on successfully this great organisation.

Less complimentary things were said about some of the staff by a few Members who alluded to the question of corruption. One Honourable Member said that it was not any good asking the public for complaints but that we must ask for complaints from the railway officials. My experience is that railway officials who have been guilty of corruption are extremely reluctant to come and say so, and other officials very seldom get an opportunity of checking them. Sir Abdul Halim Ghuznavi referred particularly to the exodus from Calcutta in which he took a great personal interest. He complained that he had produced cases of bribery there but he got no satisfaction. Actually, my understanding of the position is that the papers in connection with this matter have been given to the police and that an inquiry is in progress. He also dealt with the American Express Company. I had not previously heard of their coming into this business and I certainly got the impression from his speech that they were taking a very great part in disposing of tickets during the exodus. But a report from a Committee appointed to inquire into the matter says

The records of the American Express Company, have been examined and show that during the period of exodus the agreement has not been violated, as the issue of such tickets did not exceed one ticket per day."

The important subject of the purchase of State railways did not attract the attention I had expected and perhaps the attention it deserved. Dr Sir Ziauddin Ahmad dealt with it and made a gentle complaint that the Assembly were not consulted in that we did not have a full dress debate in this House on the matter. Later on, in his speech, he said that an open discussion in the House would be a waste of time. I was not very clear as to what he wanted. I admit he said that we should appoint a Committee to examine it as was done when the contract came up at an earlier date. Actually, it was examined in the Central Advisory Council and I do not think there is any Committee that could have been constituted other than this or the other House that was better fitted to examine it. That Council includes all the members of the Railway Standing Finance Committee. In the case of the two railways, they met separately to advise the Council. In the last case it was decided merely to have one meeting. I do not think there is ground for saying that

the proceedings were hurried. I certainly took no steps to bring them to an early conclusion and we found the meetings of this Council extremely valuable. I am quite sure that the decision we took is one generally acceptable to public opinion. I do not believe for a moment that if the matter had come before this House, the view taken would have been different. Dr Sir Ziauddin Ahmad also suggested that by means of private negotiations we might have done better than we did by terminating the contract. He said that the Assam Bengal Railway shares were at Rs 65 but we paid Rs 100 for them. That may be so, but as the Honourable the Finance Member pointed out at the time, the minute it was known that we were going to pay for them they would not have remained at Rs 65 for a day longer.

Professor Banerjee said that even I could not claim that all the advantages that we had expected from State management had accrued. I admit it. They have not all accrued. I said in my speeches that I am conscious of the difficulties that the State management creates. I was thinking of that subject myself when I referred to the difficulty in a democratic State of Parliament and the Government dealing with matters of detail. I think we have still got to devise some system which will retain the big advantages that State management offers with safeguards against the dangers to which it is exposed.

Several Honourable Members alluded to the dismantlement of lines and the Deputy President was apprehensive that we might go to the extent of dismantling lines that would impede our war effort. I can assure him that that position will be most carefully watched. Hitherto, we have dealt with only small side lines which do not play an important part in the economic life of the country although, I admit, that their removal involves in some cases an element of hardship. Dr Sir Ziauddin Ahmad asked how they were to be assured that every line we had lifted was unremunerative and wanted a fuller examination of that question. We have only taken the question of remuneration as a general guide. We are reaching a stage, if we have not reached it already, when we have to remove one or two lines that are already remunerative or which would shortly be remunerative. We have left one or two lines which were unremunerative. There was one in Madras which was serving an industrial purpose and another in Bengal where alternative means of transport are very few. I think as far as I can recollect we have removed no lines in Bengal hitherto, because we recognise the difficulties, particularly in Eastern Bengal, of getting alternative means.

**Mr Akhil Chandra Datta:** The removal of one line is under contemplation in Rangpur district.

**The Honourable Sir Andrew Clow:** We may have to do that later on. We pay close attention to the question of alternative means of transport. In one or two cases the Central Government have contributed to improving the road system in places where the line has been taken. Reference was made to the question of payment. To a large extent, we are receiving payment from His Majesty's Government and I think we can count ourselves fortunate that in the case of lines which were not yielding us any income, we are none the less deriving a capital sum. As I observed, the lines are not being used all overseas, some of them are being used for defence in India.

[ Sir Andrew Clow ]

There was a particular reference to the convention separating railways from general finance. Here, I do not propose to go into that subject because I am assured that one party in the House proposes to make it a special subject during the voting on Demands for Grants when it will be discussed at greater length and after more study. My Honourable friend, Mr Neogy, very rightly repeated the warning contained in Acworth Committee's report. I can assure him that that passage and particularly the passage that follows has been closely present to my mind in the last two years. As the passage is rather an instructive one and as I think it will help the subsequent debate I should like to remind the House—I know it is quite fresh in Mr Neogy's mind—of the paragraph following the one he cited. After referring to how the funds have not been built up for maintenance and renewal, they went on to say

"Obviously the expenditure was only postponed and had to be faced later on. An ordinary commercial concern would, as a matter of course, have carried the money so underspent to a reserve for repairs to be spent when the materials were again available. The independent railway companies did this. Not so the State. The money was treated as part of the ordinary revenue of the Government in the year in which it was not spent, with the result that the net profits of the State railways are shown in the official returns as having risen steadily from 4.54 per cent in 1914 to 7.07 per cent in 1918-19. The apparent gain was not real. Had there been a separate railway budget the money underspent would have been earmarked in it as advanced to the Government for general purposes."

They go on to say

"The railway machine is in urgent need of repair and funds to put it right are not forthcoming. The position at present is this: maintenance is lamentably in arrears. The cost of materials of all kinds is far above prewar level."

I think we have learned something since those days and the Honourable the Finance Member has not pursued the policy that was pursued in the last war. We are building up a depreciation fund. One or two critics suggested that too much money was being put into it. I think if we study the Acworth Committee report, we will come round to the conclusion which I think Mr Neogy was anxious to impress upon the House.

In conclusion, Mr Deputy President put forward for consideration certain tests by which the success or the failure of our railways ought to be judged. I am afraid my test in the present case would be different, because my main test would be—What are the railways doing to secure victory in this tremendous struggle in which we are engaged? It is not the only test but it must be the one constantly present to our minds. We are facing a situation of peril and we must bend the greater part of our energies towards meeting that peril. I think I can claim that railway men in all ranks of service are making a very large contribution to the war effort. I was very grateful for the reference made by Sir Henry Richardson, Mr Dumasia, Mr Jamnadas Mehta and others to the work that is being done, particularly in the lower ranks of the service at this difficult and strenuous time. I think we all tend to remain silent—I do—when things are being done well, but tend to ask for explanation when they are being done badly. But I think and I believe that the staff works best under encouragement rather than under blame. I am grateful to those Honourable Members of the House who have given the staff encouragement in this debate.

**Mr. Akhil Chandra Datta:** May I know what percentage of this year's surplus is due to war conditions?



**The Honourable Sir Andrew Clow:** I am afraid it is quite impossible to say that I could of course give out the amount that is given directly by the Defence Department and the Supply Department if it is expedient to do so, but it would not really give a correct picture. War conditions penetrate into such an enormous number of spheres and the indirect effects of the war are so great and the increasing industrialisation of India goes into so many channels that it is quite impossible to separate the effect. For example, we have had a very large increase in passenger traffic. That had an important effect in last year and that represents money which is being pumped in, as it were, reaching the poorer classes of the people and being spent by them in greater travelling than they formerly were able to afford.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 24th February 1942



## LEGISLATIVE ASSEMBLY

*Tuesday, 24th February, 1942*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdul Rahim) in the Chair

### STARRED QUESTIONS AND ANSWERS

#### (a) ORAL ANSWERS

#### OBSTRUCTION TO THE ENTRY OF ANOTHER PASSENGER TO HIS COMPARTMENT BY MR FORBES

**77. \*Mr. Govind V. Deshmukh** Will the Honourable Member for Railways please state

- (a) if he is aware that one Mr Forbes, a military officer, travelling in a second class compartment on 18th January, 1942, refused admission in that compartment to a second class passenger, though there was room in it—an incident published in the *Hindustan Times* of the 21st January, 1942,
- (b) if this Mr Forbes was or is to be prosecuted for refusing entrance into the compartment to the passenger under section 109 of the Railways Act, if not, why not, and
- (c) why no action was taken by the railway authorities against Mr Forbes for causing unjustified and unnecessary delay to the train and inconvenience to other passengers?

**The Honourable Sir Andrew Olow** (a) Yes

(b) and (c) I am informed that the incident was due to a misunderstanding of the rule that a passenger is only allotted a berth to provide sleeping accommodation at night and that during day time, room must be made for other passengers up to the seating capacity of the compartment. When this was explained to the objector he withdrew his objection and tendered an apology which was accepted. The Railway Administration reports that the detention to the train was not on account of this incident, but on account of heavy parcels work.

**Mr Govind V. Deshmukh** May I know if the extract which has been referred to in the question and which was sent by me refers to the fact that Mr Forbes was not willing to apologise and did not in any way accept the explanation?

**The Honourable Sir Andrew Olow** I think the gentleman in question did apologise.

**Mr Govind V. Deshmukh** He apologised to Mr Trivedi, I.C.B., but not to the passenger who went to a different compartment.

**The Honourable Sir Andrew Olow:** The passenger was a minor whom Mr Trivedi was looking after. I suggest that the Honourable Member might follow the excellent example of Mr Trivedi and regard the incident as closed.

**DEPARTMENTAL ENQUIRY FOR SUBORDINATE RAILWAY EMPLOYEES BEFORE  
REMOVAL FROM SERVICE**

**78. \*Mr Lalchand Navalrai** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that an employee in the subordinate railway service, when charged with an offence meriting removal from service, is entitled to the privilege of a departmental enquiry?

(b) Is that privilege denied under the second part of Rule 1709 of the State Railway Establishment Code, Volume I? If so, why?

(c) Is it a fact that in other commercial departments of the Government of India, like the Posts and Telegraphs, the privilege of a departmental enquiry is conceded to an employee charged with the offence meriting removal from service? If so, why are the railway employees not conceded a similar privilege?

(d) Does the Honourable Member propose to direct deletion of the second part of Rule 1709 in the State Railway Establishment Code, Volume I, in regard to discretionary powers to the Railway Officers to dispense with a departmental enquiry? If not, why not?

**The Honourable Sir Andrew Olow:** (a) No, the employee has not been given the right to demand a departmental enquiry.

(b) Does not arise in view of reply to part (a).

(c) As regards the first part the answer is in the affirmative, except in exceptional circumstances. Conditions of service in different departments are not the same.

(d) The answer to the first part is in the negative as regards the second part I would refer the Honourable Member to my reply to part (c).

**Mr N M Joshi:** If an employee cannot have a departmental inquiry may I know how the case is generally dealt with?

**The Honourable Sir Andrew Olow:** In any case of any serious offence it is generally dealt with by a departmental inquiry.

**Mr N M Joshi:** In other cases what kind of inquiry or appeal has the man got?

**The Honourable Sir Andrew Olow:** I think they are dealt with more summarily on the lines that any other industrial organisation would adopt.

**Mr Lalchand Navalrai:** Is any opportunity given to him to offer an explanation?

**The Honourable Sir Andrew Olow:** Yes, practically in every case it is given unless of course as occasionally happens he absconds.

**Mr Lalchand Navalrai:** Is also a charge framed?

**The Honourable Sir Andrew Clow:** We do not follow the formal procedure of a court of law in every case to which my Honourable friend is accustomed.

**Mr. N. M. Joshi:** May I know if the Honourable Member's Department follows the practice suggested by the Royal Commission on Indian Labour of which he was a very distinguished member?

**The Honourable Sir Andrew Clow:** In any case that comes within my purview I can assure the Honourable Member that the practice is more elaborate than I consider suitable.

#### STOPPAGE OF INCREMENT AS AN ALTERNATIVE PUNISHMENT ON NORTH WESTERN RAILWAY

**79. \*Mr Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that an increment of a railway employee, accruing by efflux of time which is generally twelve months, is also included in "wages" under the Payment of Wages Act, IV of 1936?

(b) If the reply to part (a) above be in the negative, how does the Honourable Member reconcile it with the following words which appear on page 5 of the Agent, North Western Railway, Circular 1 of 1937, on the Payment of Wages (Railways) Act:

"With the exception of travelling allowance the term 'Wages' includes all other allowances. It also includes the amount of any increment accruing by efflux of time."

(c) If the reply to part (a) above be in the affirmative, why has the General Manager, North Western Railway, in his letter No. 14 RM/27, dated the 3rd June, 1941, amplifying the instructions issued by the Railway Board under their No. E 40-AT-8 dated the 9th April, 1941, provided for stoppage of increments as an alternate punishment?

(d) What are the powers of the General Managers in the matter of amplifying Railway Board's instructions? Why has the General Manager, North Western Railway, provided for punishments which have not been referred to by the Railway Board as authorised?

**The Honourable Sir Andrew Clow:** (a) I regard this as a question of legal interpretation rather than of fact.

(b) and (c) Do not arise.

(d) General Managers are empowered to amplify instructions issued by the Railway Board provided they are not inconsistent with the rules. As regards the second part, the General Manager's action was not incorrect as the Railway Board did not exclude other punishments not mentioned in their orders.

**Mr Lalchand Navalrai:** Why is the increment by efflux of time not included in the wages?

**The Honourable Sir Andrew Clow:** I did not say it was not included. I said it was a matter of legal interpretation, and I think it is more for the Honourable Member to offer me legal advice than for me to give him free legal advice.

**Mr Lalchand Navalrai:** I am asking what happens in practice. Is the department now adding this to the wages?

**The Honourable Sir Andrew Clow:** The ordinary practice is to treat an increment which has actually accrued as part of wages.

#### DEPREDACTIONS BY KAZAKS

**80 \*Mr. Govind V. Deshmukh:** Will the Foreign Secretary please state

- (a) if he has received a memorial about the depredations by a horde of Kazaks, and
- (b) what steps, if any, have been taken to grant relief to the signatories of the memorial and other victims of the Kazaks in the United Provinces?

**Mr. O K Caroe:** (a) Yes

(b) The Resident in Kashmir has been instructed to request the Kashmir State Authorities to conduct a search of the Kazak camp and to sequestrate the property suspected to be stolen. If any such property is found opportunities for its identification by its owners will be given.

†81 \*

#### RESERVATION OF FIRST AND SECOND CLASS BERTHS ON NORTH WESTERN RAILWAY

**82 \*Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable Member for Railways please state

- (a) if it is a fact that second and first class berths can be reserved on the North Western Railway on payment of -/8/- per berth,
- (b) whether passengers have to purchase their tickets before the application for reservation is made,
- (c) whether in case the journey is not taken up it is the practice to refund the amount less -/1/- per ticket on presentation of tickets at the Booking Office within three hours after the departure of the train for which they are available, when the berth is not reserved,
- (d) whether in such a case where the berths are reserved the passengers get the refund less ten per cent of the value of tickets on their application in writing to the Commercial Manager North Western Railway, Lahore, and
- (e) if the answers to parts (c) and (d) be in the affirmative, will he consider the advisability of removing this discriminatory treatment of the two categories of passengers?

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†This question was not asked by the questioner

**Mr J. H. F. Raper** (a) Yes, at certain stations and on certain trains

(b) Yes

(c) I am not clear whether by 'the amount' the Honourable Member means the payment mentioned in part (a) or the cost of the ticket. Reservation fees are not refunded. If a refund is claimed on tickets, they must be presented within two hours after the departure of the train. If the reason for requiring a refund is that there was no room on the train, a refund in full is made within three hours after the departure of the train, otherwise a deduction of one anna per ticket is made.

(d) Yes, except that reservation fees are not refunded and if a fresh ticket of the same class and of the same description and to the same destination is purchased at the time a refund is required, then the refund will be made at the station or booking office concerned without any deduction.

(e) No

#### FULFILMENT OF LOCO COAL SUPPLY CONTRACTS BY COLLIERIES

**83 \*Mr K. C. Neogy** Will the Honourable Member for Railways be pleased to state

(a) whether he is satisfied that collieries with which the Railway Board have placed contracts against tenders for loco coal for 1942-43, will be able to supply the quantities contracted for,

(b) whether any of the aforesaid collieries are in arrears in respect of their contracts for 1941-42,

(c) who is the authority that ascertains the capacity of collieries to supply against loco orders, and

(d) whether some of the collieries which have received loco contracts for 1942-43 are not yet in a position to raise or despatch coal due to lack of railway siding and other equipments?

**The Honourable Sir Andrew Clow.** (a) I hope so

(b) Yes

(c) The Chief Mining Engineer, Railway Board

(d) I understand that all collieries from which supplies are to be taken in 1942-43 have loading accommodation allotted to them by the railways and sufficient equipment of their own to enable them to despatch the quantity allocated to them.

**Mr. K. C. Neogy** Are these matters generally left to be decided by the Chief Mining Engineer or do they come up normally for scrutiny in the Railway Board?

**The Honourable Sir Andrew Clow:** Coal contracts come up for scrutiny in the Railway Board.

**Mr. K. O Neogy** In regard to all these various points that I have raised?

**The Honourable Sir Andrew Olow** Minor matters of detail, such as loading facilities, are not investigated by the Railway Board

#### FULFILMENT OF LOCO COAL SUPPLY CONTRACTS BY COLLIERIES.

**84 \*Mr K O Neogy** Will the Honourable the Railway Member please state if there are any collieries which have considerable stocks as shown in the Railway publications in arrears against loco contracts, and if so, have the authorities investigated into the reasons for this?

**The Honourable Sir Andrew Olow:** I know of no collieries supplying coal to the railways whose stocks of steam coal can be described as considerable. At the moment most collieries are loading into wagons all the steam coal they can raise.

#### TENDERED RATES OF COAL PRICE OF CERTAIN COLLIERIES

**85. \*Mr K O. Neogy** (a) Will the Honourable the Railway Member please state what was the difference in the tendered rates of coal price in 1941-42 between Jambad Kajora and

- (i) Kenda,
- (ii) Searsole Jamehari,
- (iii) Satgram, and
- (iv) Samla,

groups of collieries?

(b) What was the difference in the tendered rates for the aforesaid groups of collieries for 1942-43?

(c) Whether the policy of the Railway Board is to spread their contracts over the largest number of collieries subject to conditions of quality, price and their past records?

**The Honourable Sir Andrew Olow:** (a) and (b) I lay a statement on the table giving the tendered rates for both years.

(c) Yes, as far as is considered practicable by the consuming railways

#### Statement

Coals	Rate per ton F O R Colliery	
	1941-42	1942-43
Jambad Kajora	Rs 2/15 to 3/6	Rs 3/4 to 3/12
Kenda	Rs 2/15 to 3/3	Rs 3/8 to 3/9
Searsole Jamehari	Rs 2/10 to 3/3	Rs 2/15 to 3/10
Satgram	Rs 2/12 to 3/1	Rs. 3/6 to 3/8
Samla Group	Rs 2/9 to 2/10	Rs 3/0 to 3/2



**QUANTITY OF COAL ALLOTTED TO EASTERN BENGAL RAILWAY AND EAST  
INDIAN RAILWAY FROM KARGALI AND BOKARO COLLIERIES**

**86. \*Mr. K. C. Neogy** (a) Will the Honourable the Railway Member please state what is the quantity of coal allotted to Eastern Bengal Railway and East Indian Railway (Asansol and Howrah Divisions) from Kargali and/or Bokaro collieries for the year 1942-43?

(b) What is the Railway freight including surcharge and other cesses per ton for the following distances

- (i) from Kargali and Bokaro collieries to Naihati,
- (ii) from Ondal to Naihati,
- (iii) from Kargali and Bokaro collieries to Jharia, and
- (iv) from Kargali and Bokaro collieries to Asansol and Howrah?

(c) Do the authorities take into consideration Railway Freight, tollage and siding charges of respective collieries in meeting Railway requirements both from public and Railway collieries?

(d) Is it a fact that the Railway authorities sometimes allot coal from Railway collieries to Bengal and Assam Railway and East Indian Railway (Asansol and Howrah Division stations) while coal of equivalent quality could be obtained from lesser distance, such as Ondal booking collieries, at economic rates taking railway freight into consideration? If so, on what grounds?

**The Honourable Sir Andrew GLOW** (a) 75,000 tons to the Eastern Bengal Railway and 130,000 tons to the East Indian Railway. The Howrah Division of the East Indian Railway is not allotted this coal.

(b) The Railway freights including surcharge and other cesses per ton are

- (i) From Kargali and Bokaro Collieries to Naihati—Rs 4/2 per ton *plus* 20 per cent on total freight charges
- (ii) From Ondal to Naihati—Rs 2/10 per ton *plus* 20 per cent on total freight charges, and 1½ pies per ton on account of Excise Duty
- (iii) From Kargali and Bokaro Collieries to Jharia—Rs 1/6 per ton *plus* 20 per cent on total freight charges
- (iv) From Kargali and Bokaro Collieries to Asansol—Rs 2/4 per ton *plus* 20 per cent on total freight charges
- (v) From Kargali and Bokaro Collieries to Howrah—Rs 4-11 6 per ton *plus* 20 per cent on total freight charges

(c) Yes

(d) No

**POLICY, PROGRAMME, ETC., OF THE EASTERN GROUP COUNCIL**

**87. \*Mr. K. C. Neogy** (a) Will the Honourable Member for Supply please state whether the general policy and programme of the Eastern Group Council came up for revision in view of recent developments which have seriously handicapped certain units of the Council in regard to the fulfilment of their respective programmes of production and supply of war materials?

(b) Will the Honourable Member for Supply be pleased to make a statement reviewing the work so far done by the Eastern Group Council in India with the object of developing the production of war materials? Is the manufacture of guns, tanks, aircraft and heavy armaments in India included within the programme of the Council?

(c) Is it a fact that the Roger Mission made recommendations in favour of early establishment of certain factories which would have made India self-sufficient in regard to certain important war industries? If so what action has so far been taken on these recommendations?

**The Honourable Sir Homi Mody** (a) The general policy of the Eastern Group Supply Council has not been affected by recent developments, but its programme has been adjusted to meet the situation mentioned by the Honourable Member. For example, orders placed on Hong Kong have been transferred to India and other countries in the Eastern Group.

(b) The production of war materials in India is the responsibility of the Government of India in the Supply Department. The Eastern Group Supply Council has not so far been made responsible for developing the production of guns, tanks, aircraft and heavy armaments; its main business is to procure by allocations on Eastern Group Countries a very large range of engineering stores and other manufactured goods.

(c) The Ministry of Supply Mission recommended the expansion of certain existing factories and the establishment of certain new factories. The Mission's projects after modification in some cases by His Majesty's Government in the United Kingdom to whom the expenditure is charged, have all been satisfactorily launched. The projects were not designed to make India self-sufficient; they were designed to make the best possible use of India's resources in the light of the conditions then prevailing.

**Mr Husenbhai Abdullabhai Laljee** May I know from the Honourable Member whether these industries will manufacture things in India to make India self-supporting or are they being set up only for war purposes? Will they also manufacture things for the defence of India?

**The Honourable Sir Homi Mody** But they are doing so. There is some confusion in the mind of the Honourable Member.

**Mr K O Neogy** With regard to question (a), do I take it that there has been a general adjustment in the policy of Government in this behalf with a view to make India self-supporting and self-sufficient, as far as possible in regard to war supplies?

**The Honourable Sir Homi Mody** All the efforts of the Department have been directed towards making India as self-sufficient as possible, having consideration to the limitations in the matter of plants, basic equipment and technical personnel.

**Mr K O Neogy** What are the new industries that the Government hope to start as a result of their re-examination of the position in the light of recent events?

**The Honourable Sir Homi Mody** Several new industries have been started and the development of a great many existing industries has taken place. I may mention, for instance, the Aluminium industry and production of sulphur. Many articles which were in very poor production in cottage industries before the war are now coming on to full production and altogether the output of India since the war started has been amazing.

**Mr K. O. Neogy** I do not know whether my Honourable friend has actually missed my point. I wanted to know whether any industry of any consequence is proposed to be undertaken in India as a result of the recent developments in the Far East which normally would, perhaps, have been entrusted to some other member of the Eastern Group Supply.

**The Honourable Sir Homi Mody** No. I could not say that, as a result of recent developments, any new industries are being projected. As I stated just now, every thing depends upon our being able to obtain the necessary plant and equipment. There is nothing that we are not prepared to undertake whether there are any developments in the Far East or not.

**Maulana Zafar Ali Khan** With regard to part (b) of the question, I should like to know what is the total number of aircraft and tanks in India at the present moment.

**The Honourable Sir Homi Mody** I am afraid you will have to ask the Defence authorities for that information.

**Mr Govind V. Deshmukh** May I know it as a result of recent developments shipbuilding would be undertaken in India? Up till now we were looking forward for help from Australia.

**The Honourable Sir Homi Mody** Ships are already being built in India. Many trawlers and small ships are on the water already.

**Sir F. E. James** In his answer to part (c) of the question, the Honourable Member has said that some of the recommendations with regard to the establishment of industries made by the Roger Mission had already been launched. I understand by the word 'launched' that they are still their preliminary stage. Is he satisfied that they are progressing satisfactorily and nearing completion? I understand there has been a great deal of delay even in launching of some of the projects recommended by the Roger Mission.

**The Honourable Sir Homi Mody** The progress so far made has, I think, been very satisfactory. Many of these projects will be actually in operation in the next few months.

**Mr K. O. Neogy:** With regard to the shipbuilding industry, having regard to the fact that Hong Kong was expected to produce some ships, will the production of ships of that variety be undertaken in India?

**The Honourable Sir Homi Mody** India is producing as many ships and of as many types as it is possible for her to produce. We are not depending upon the industrial production of other countries and on what they have or have not been able to supply. The needs of the defence services are so great that we are constantly engaged in the task of producing as much as we possibly can without waiting to find whether other countries can supply our needs or not.

**Mr K C Neogy** The question is, even if the other countries are in a position to manufacture these, places like Hong Kong will not be able to supply those ships.

**The Honourable Sir Homi Mody** Therefore what?

**Mr K C Neogy** Therefore produce those types of things that you counted upon being supplied by other units of the Council.

**The Honourable Sir Homi Mody** They are being produced to the maximum capacity.

**Mr K C Neogy** May I know whether the programme is being changed in view of the fact that certain units of the Council cannot any longer be depended upon to supply the articles that they were expected to produce?

**The Honourable Sir Homi Mody** I do not think I can say that the programme has been materially altered by the fact that Hong Kong is no longer in a position to produce any particular type of goods.

**Pandit Lakshmi Kanta Maitra** May I know from the Honourable Member what is the output in tonnage, of shipping produced in India at present?

**The Honourable Sir Homi Mody** I am not able to answer that question straightaway.

#### PAUCITY OF MUSLIMS IN THE OFFICE OF THE CHITTAGONG PORT TRUST

**88 \*Shaikh Rafiuddin Ahmad Siddiquee** (a) Will the Honourable Member in charge of Communications be pleased to lay on the table of the House a list showing the number of officers and staff with their pay and scale in the office of the Chittagong Port Trust?

(b) Is it a fact that there is not a single Muslim officer in the office and that the number of Muslim clerks is less than the proposed percentage?

(c) If the answer is in the affirmative, will the Honourable Member be pleased to state if the Government is prepared to make up the deficiency as soon as occasion arises?

**The Honourable Sir Andrew Clow** (a) I do not propose to place a list on the table of the House but there is a list in the Communications Department which is open to inspection by any Member of the House.

(b) There are eight posts carrying a salary of over Rs 500 all of which, with one exception, are held by persons having specialised technical qualifications. No such post is held by a Muslim officer. As regards clerks, the

total number of posts in the office on 31st October, 1941, was 28 out of which eight posts were held by Muslims

(c) This is a matter for the Trust but it would not appear to be necessary to take special steps in respect of this particular group, of the total of 379 employees at the Port 287 or over 75 per cent are Muslims, and in the pilots grade which is the highest grade below that of officer, every post is held by a Muslim

†89 \*

#### PROVISION OF RAISED PLATFORM AT PARASNATH RAILWAY STATION

†90 \***Babu Baijnath Bajoria** (a) Will the Honourable the Railway Member be pleased to state whether Government are aware that there is no raised platform at Parasnath Station on the East Indian Railway Grand Chord Line?

(b) Is he aware that this station leads to Parasnath Hill, one of the most sacred places of Jain Pilgrimage in India and a large number of pilgrims get down at this station?

(c) Is he aware that the pilgrims, specially women and children, suffer great inconvenience at this station due to the low station platform?

(d) Is he aware that there is discontent amongst the Jain community over this matter?

(e) Is the Honourable Member prepared to consider the provision of a high level platform at Parasnath station at an early date? If not, why not?

**The Honourable Sir Andrew Olow** (a) to (d) The Honourable Member is referred to my reply to Question No 167 by Qazi Muhammad Ahmad Kazmi given on the 13th November last

(e) The East Indian Railway Administration have carefully considered the matter on the basis of the average number of persons per train using this station and find that there are many other stations with superior claims to have raised platforms provided. The case of Parasnath will be dealt with in accordance with its position on the list and as funds permit

#### PROTRACTED PROCEEDINGS OF THE CASE, SANAIRAM DOONGARMULL AND OTHERS *versus* ASSAM BENGAL RAILWAY, ETC

†91 \***Babu Baijnath Bajoria** Will the Honourable Member in charge of Communications be pleased to state

- (a) the total number of days and the actual period taken by the Railway Rates Advisory Committee in the hearing of case No 63 (Sanairam Doongarmull and others *versus* the Assam Bengal Railway and the Assam Railways and Trading Company Limited) regarding terminal and siding charges,

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†This question was withdrawn by the questioner

†Answer to this question laid on the table, the questioner being absent

- (b) the total sums spent in connection with this case by the Railways concerned and the Government, respectively, including sums paid to the lawyers engaged by them, and
- (c) the reason of these proceedings being so protracted resulting in considerable expense both to the Government and to the applicant?

**The Honourable Sir Andrew Clow** (a) There were 45 actual days of hearing and the period from the receipt of the application to the submission of the report was ten months 19 days

(b) The sum spent by the two railways was Rs. 27 965 2 0. The cost to Government, on account of fees paid to the Commercial Member, was Rs. 4,120

(c) The case was particularly intricate and contained many highly debatable points. The Committee, therefore had to give the parties reasonable opportunity to argue and establish their points.

#### DESIRABILITY OF SPEEDY DISPOSAL OF CASES BY THE RAILWAY RATES ADVISORY COMMITTEE

†92 **\*Babu Baijnath Bajoria** Will the Honourable the Railway Member be pleased to state

- (a) whether it is not a fact that the Railway Rates Advisory Committee was appointed to give the trading community the benefit of a judicial decision in an expeditious manner and to act as a simpler machinery than the usual proceedings in a Civil Court,
- (b) whether the very purpose of the creation of this committee is nullified due to the inordinate delay taken in its proceedings and the great expense incurred both by the Railway and the applicants,
- (c) whether any representation has been received by the Railway Board from any commercial body drawing its attention to the inordinately lengthy, and consequently expensive, proceedings held in the hearing of cases by this committee, and
- (d) what steps Government have taken or propose to take to simplify the hearing before this committee and to remove the grievances of the mercantile community in the matter?

**The Honourable Sir Andrew Clow** (a) No, the conclusions of the Committee are advisory and it was designed to provide a simpler machinery than that contemplated by former sections 28 to 40 of the Indian Railways Act, 1890

(b) No

(c) Yes

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†Answer to this question laid on the table the questioner being absent

(d) As a result of the recommendations of the Indian Railway Enquiry Committee, 1937, certain measures have been taken to secure more expeditious procedure. Details of these were published in a Press Communiqué of 27th January, 1940

**DESIRABILITY OF SPEEDY DISPOSAL OF CASES BY THE RAILWAY RATES ADVISORY COMMITTEE**

†93. \***Babu Baijnath Bajoria** Will the Honourable the Railway Member be pleased to state

- (a) the number of cases heard and disposed of by the Railway Rates Advisory Committee in each of the three years 1938, 1939, 1940,
- (b) the cost to the Railways in each of these years in respect of
  - (i) the salary and allowances paid to the President and Members of this Committee, and
  - (ii) the legal and other charges in connection with the conduct of cases on behalf of the Railway, and
- (c) what steps, if any, do Government propose to take to reduce the expenses and for speedy disposal of cases?

**The Honourable Sir Andrew Grew**

(a)	1938-39	.	7 cases heard and 4 disposed of
	1939-40		7 " " " 4 " "
	1940-41		4 " " " 2 " "

		<b>Rs</b>
(b) (a)	1938-39	45,657
	1939-40	50,822
	1940-41	49,002

(ii) Information is being collected and will be laid on the table in due course

(c) The expense incurred and the length of time required for disposal depends largely upon the applicants and without curtailing their freedom of action, Government rely upon the action referred to in part (d) of my reply to the preceding question

**Mr President** (The Honourable Sir Abdur Rahim) As Mr Neogy has exhausted his quota of five questions, answer to question No 94 will be laid on the table

**CURTAILMENT OF PASSENGER TRAIN SERVICES**

†94. \***Mr K. O. Neogy**: (a) With reference to curtailment that has either been decided upon, or may be under definite contemplation, of passenger train services on the different Railways, will the Honourable

† Answer to this question laid on the table, the questioner being absent

‡ Answer to this question laid on the table, the questioner having exhausted his quota

Member for Railways be pleased to state the principles followed in selecting the services for such curtailment, and the reasons that have led to this action?

(b) Was the Advisory Committee concerned previously consulted in each case of such curtailment?

(c) Will the Honourable Member be pleased to lay on the table a copy of any statement that the local authorities of each Railway concerned may have made in explaining the reasons for the curtailment of the services?

**The Honourable Sir Andrew Clow** (a) The main principle followed was to secure relief for such sections as most required it. In applying this principle, Administrations would naturally give full consideration to other factors, such as the extent to which the various passenger services were patronised, the relative importance of the places served, alternative rail routes and the existence of other means of communication. The reason is inability to cope with all the traffic offering, and was explained in some detail in a press communiqué issued on 27th January.

(b) The G I P Railway advised the Local Advisory Committee, Bombay, in January of the cancellation of certain services on and from 1st February. Government are not aware if other railways have consulted Local Advisory Committees in every case but have drawn the attention of railways to the desirability of doing so.

(c) Government have no information of any such statements other than the notices which may have appeared in the press. As I have stated, the reasons were set out in a Press Note issued by the Railway Board. As this was widely reproduced in the press, I do not propose to lay it on the table.

#### UNSTARRED QUESTION AND ANSWER

##### REFUSAL OF CASUAL LEAVE TO NORTH WESTERN RAILWAY EMPLOYEES BY WAY OF PUNISHMENT

**25 Mr Lalchand Navarai** (a) Will the Honourable Member for Railways be pleased to state whether an employee's privileges are stopped on the North Western Railway for a fixed period as a measure of punishment?

(b) Is 'Casual Leave' also included in the term 'privileges' that are stopped under circumstances referred to in part (a) above?

(c) Will the Honourable Member please refer to the front page of the *Railway Herald*, dated the 26th January, 1942 and state how the answer to part (b) above is reconciled with the rules as quoted in the *Railway Herald*?



(d) Is it proposed to issue instructions to the North Western Railway administration that casual leave should not be refused to an employee whose privileges are stopped? If not, why not?

**The Honourable Sir Andrew Clow** (a) and (b) Yes

(c) The answer to the first part is in the affirmative. As regards the second part, Government can see no contradiction which requires to be reconciled.

(d) No, because there is no reason why this privilege should not be liable to be withdrawn. I would add that in cases where serious hardship would have been caused to an employee, whose privileges are stopped, by refusing casual leave, it has been granted.

#### ELECTION OF MEMBERS TO THE STANDING COMMITTEES ON EMIGRATION AND ON PILGRIMAGE TO THE HEJAZ

**Mr President** (The Honourable Sir Abdur Rahim) I have to inform the Assembly that the following Members have been elected to the Standing Committees on Immigration and on Pilgrimage to the Hejaz, respectively

##### *Standing Committee on Emigration*

- (1) Mr Ananga Mohan Das,
- (2) Sir Abdul Halim Ghuznavi,
- (3) Syed Ghulam Bih Nareng
- (4) Sir Syed Raza Ali,
- (5) Shams-ul-Ulema Kamaluddin Ahmed,
- (6) Khan Bahadur Shaikh Fazl-i-Haq Piracha,
- (7) Mr M. Ghiasuddin and
- (8) Sir F. E. James.

##### *Standing Committee on Pilgrimage to the Hejaz*

- (1) Khan Bahadur Shaikh Fazl-i-Haq Piracha,
- (2) Sir Abdul Halim Ghuznavi, and
- (3) Maulvi Syed Murtaza Sahib Bahadur

#### MESSAGE FROM THE COUNCIL OF STATE

**Secretary of the Assembly** Sir the following Message has been received from the Council of State

"I am directed to inform you that the Council of State at its meeting held on the 25th February, 1942, agreed without any amendment to the following Bills which were passed by the Legislative Assembly at its meetings on the 16th and the 17th February, 1942, namely

- 1 A Bill further to amend the Workmen's Compensation Act, 1923
- 2 A Bill further to amend the Indian Merchant Shipping Act, 1923;
- 3 A Bill further to amend the Indian Vessels Act, 1933,
- 4 A Bill further to amend the Indian Medical Council Act, 1933,
- 5 A Bill further to amend the Indian Boilers Act, 1923,

- 6 A Bill to provide for the incorporation, regulation and winding up of co-operative societies with objects not confined to one province, and
- 7 A Bill to continue the provision made under Ordinance No XIII of 1940 for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India and by other means "

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DEPARTMENT OF INDIANS OVERSEAS NOTIFICATION ISSUED  
UNDER THE INDIAN EMIGRATION ACT

**The Honourable Mr M S Aney** (Member for Indians Overseas)  
Sir, I beg to lay on the table a copy of the Department of Indians Overseas Notification, No F 69/41-O S, dated the 13th December, 1941, issued under the Indian Emigration Act, 1922

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No F 69/41 O S  
GOVERNMENT OF INDIA  
DEPARTMENT OF INDIANS OVERSEAS

*New Delhi, the 13th December, 1941*

NOTIFICATION

(OVERSEAS)

In exercise of the powers conferred by sub-section (1) of section 30A of the Indian Emigration Act, 1922 (VII of 1922), the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Department of Education, Health and Lands, No F 144 138-O S (C), dated the 21st July, 1941, namely

In the said notification, for the words 'by special order' the words "by general or special order" shall be substituted

(Sd) G S BOZMAN,

*Secretary*

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HOME DEPARTMENT DECLARATION OF EXEMPTION ISSUED  
UNDER THE REGISTRATION OF FOREIGNERS ACT

**The Honourable Sir Reginald Maxwell** (Home Member) Sir, I lay on the table a copy of the Home Department Declaration of Exemption, No 1/27/41-Political (E), dated the 18th February, 1942, issued under the Registration of Foreigners Act, 1939

No 1/27/41 Political (E)

GOVERNMENT OF INDIA

HOME DEPARTMENT

*New Delhi, the 18th February, 1942**Declaration of Exemption*

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Lt Col Yih Teh Ming, and Doctor Ho, so long as they hold the posts of Chinese Resident Military Officer and Staff Officer respectively

V SHANKAR,

*Deputy Secy to the Govt of India*

## ELECTION OF THE STANDING FINANCE COMMITTEE

**The Honourable Sir Jeremy Raisman** (Finance Member) Sir, I move

"That this Assembly do proceed to the election, for the Financial year 1942-43, in such method as may be approved by the Honourable the President, of a Standing Finance Committee of the Assembly not exceeding fourteen in number, to which shall be added a Member of the Assembly to be nominated by the Governor General. The Member so nominated shall be the Chairman of the Committee."

**Mr. President** (The Honourable Sir Abdur Rahim) Motion moved

"That this Assembly do proceed to the election, for the Financial year 1942-43, in such method as may be approved by the Honourable the President, of a Standing Finance Committee of the Assembly not exceeding fourteen in number, to which shall be added a Member of the Assembly to be nominated by the Governor General. The Member so nominated shall be the Chairman of the Committee."

**Dr. P. N. Banerjee** (Calcutta Suburbs Non-Muhammadan Urban) Sir, I wish to say a few words on this motion. The Standing Finance Committee bears a dignified name but it possesses no real power. Its functions are extremely limited. It is merely an advisory committee and its recommendations need not be accepted by the Finance Department or the Government of India. It does not deal with revenue or taxation and it confines itself only to expenditure, but even there does not cover the whole field of expenditure. Its function is limited to a consideration of a few items of fresh expenditure. Therefore, it is clear that this Committee is not a very useful body.

I should like to place before the House the observations which were made by Sir Malcolm Hailey, now Lord Hailey, who, as Finance Member in 1922, introduced a motion similar to the one which has been made by my Honourable friend, Sir Jeremy Raisman. He said that this

[Dr P N Banerjee]

Standing Finance Committee would perform three main functions. In the first place, it would examine all the papers relating to the budget estimates. He observed

"I propose therefore that for the future the Standing Finance Committee, if it is accepted by the House, should have that material placed in their hands some short time before the budget and should deal with it on behalf of the House."

As regards the second function, he said

"The second function will be this, that in the course of the year we shall probably have to place before the House demands in excess of the budget for the purpose of a supplementary vote."

He then added

"There remains a third function. I should like it to be arranged that the Committee should in the course of the year deal with any schemes for fresh expenditure which are put forward by the departments. I would limit these to the major schemes, schemes which will be sufficiently large to have any influence on the budget."

As a matter of fact, only this third function is exercised by the Standing Finance Committee.

**The Honourable Sir Jeremy Raisman** What about the second function?

**Dr P N Banerjee** All supplementary items are not placed before the Standing Finance Committee.

**The Honourable Sir Jeremy Raisman** Not all, but a large number.

**Dr P N Banerjee** Not a very large number,—a very small number.

**The Honourable Sir Jeremy Raisman** All those which have any significance—not merely routine matters.

**Dr P N Banerjee** The then Finance Member did not stop at this. He said further

"I have attempted to outline the functions of the Committee, but I do not intend that anything that I may say now should be taken as a final definition of them. I think as time goes on it will be found that the Committee can take up a very much wider scope of work on behalf of the Assembly than I have laid down today."

But, as I have said, at the present moment, only a few items of supplementary expenditure and fresh expenditure are placed before the Standing Finance Committee. In this connection I wish to remind the House that in view of the unsatisfactory nature of the functions of this Standing Finance Committee, this House rejected the motion for the appointment of a Standing Finance Committee five or six years ago, and for three years no Standing Finance Committee was elected. If I remember aright, it was in 1940, when Sir Jeremy Raisman had become the Finance Member, that he renewed the proposal for the formation of a Standing Finance Committee and he made also an alternative offer, namely, an Estimates Committee. I pointed out to the House at that time that an Estimates Committee was no substitute for a Standing Finance Committee and the House accepted the Finance Member's offer of a Standing Finance Committee. That offer was accepted because Sir

Jeremy Raisman was considered to be more friendly with the Members of the House than his predecessor, and it was hoped that an extension of the functions would take place during his term of office. But no such expansion has as yet taken place.

In this connection I should like to point out the main features of the financial system as it exists in England. There is no Standing Finance Committee in England, but every year the House of Commons goes into two committees,—forms two committees of the whole House,—a Committee of Supply and a Committee of Ways and Means. The resolutions of these Committees are placed before the House of Commons sitting formally as a House. That ensures financial control of the House of Commons. But here, in India, there is no method by which the House can exercise adequate and detailed control over the finances of the country.

The present system is very unsatisfactory, and unless some expansion of the functions of the Standing Finance Committee is made, I do not think any useful purpose will be served by appointing this Committee. I, therefore, offer the following suggestions for the consideration of the Government.

(1) All decisions of the Standing Finance Committee should be placed before the Assembly. It should not be merely a body advisory to the Finance Member or the Government of India.

(2) The Standing Finance Committee should deal with revenue as well as expenditure.

(3) All proposals for fresh expenditure amounting to Rs 10,000 and over, whether recurring or non-recurring, should be placed before the Standing Finance Committee.

(4) The budget estimates and all papers relating to those estimates should be placed, previous to the presentation of the annual budget, before the Assembly, and

(5) After the annual budget has been presented and after the general discussion has taken place, the whole budget together with the Finance Bill should be placed again before the Standing Finance Committee, and the alterations in the budget and the amendments in the Finance Bill made by it should be brought before the Legislative Assembly.

If these suggestions are accepted, the Standing Finance Committee will prove a very useful body. As it is, this Committee is of no real use either to the Government or to the country.

**Mr. Husenbhai Abdullahai Laljee** (Bombay Central Division Muhammadan Rural). Sir, I quite agree with the remarks that have fallen from Dr Banerjee. There has been a feeling in this House that, so far as the Standing Finance Committee as also most other Committees are concerned, the Members of this House do not get that consideration which is due to them. Now, take this very Committee, and you will find that the Honourable the Finance Member says that such demands for excess grants are put before the Committee, when there are somewhat difficult questions.

**The Honourable Sir Jeremy Raisman:** What I meant to imply was that they may be of so little significance that no body of sensible men ought to waste any time in considering them at all.

**Mr. Husenbhai Abdullahai Laljee:** It is all very good to say that no body of sensible men will waste any time and so on. I quite agree that if there are small grants, say below Rs 10,000 or Rs 15,000 or even for

[Mr Husenbhai Abdullabhai Laljee]

the matter of that, if there are small grants even say under a lakh of rupees, they need not be placed before the Standing Finance Committee if they are purely of a routine character, but there should be some limit placed, and the option as to what grants are routine and what are not, or what grants should or should not be placed before the Standing Finance Committee should not entirely rest with the Finance Member. That is the most important thing.

Again, Sir, we ought also to have some knowledge of the revenue. That portion has never been placed before the Standing Finance Committee, only then we can consider whether certain expenditure can be sanctioned or not. Later on, when the revenue figures are placed before us, we find a lot of difference. Sir, it has been said by many commercial bodies that the revenues are always underestimated, and it is not at all surprising that it is so. The Finance Committee is there to look into the revenue side also, so that they may sanction the necessary expenditure. I, therefore, feel that if the Honourable the Finance Member really requires the assistance of the Standing Finance Committee, he should consider the suggestions that have been made today, only then the Committee also will be able to do some useful work.

**The Honourable Sir Jeremy Raisman.** Sir, I quite agree with Professor Banerjee that if the functions of the Standing Finance Committee were extended as he suggests, it would cover a good deal more ground, in fact I should be disposed to say that, if it really did these functions, it would hardly be necessary to have a Finance Department at all. Why have an executive side of the Government which is dealing with finance if a Committee of the Legislature is going to be capable of dealing with all questions of policy or otherwise arising in the wide field which he advocated.

Now, Professor Banerjee has been delving into history. He has looked up the speech made by Sir Malcolm (now Lord) Hailey when he first put the proposal for the Standing Finance Committee before this House. I regret that Professor Banerjee's energies should flag so rapidly. I am sorry that he did not proceed to complete his historical researches and find out what happened at further successive stages to the ideas which the Finance Member then put before this House. He might then have been able to present this House with a somewhat more complete and balanced view of the reasons why the functions of the Standing Committee finally emerged in the form which they take today.

**Dr. P. N. Banerjee.** Attenuated form?

**The Honourable Sir Jeremy Raisman.** Attenuated, if you like, but at any rate the whole question has a history, and it was not merely that the Government did not desire to put these things before the Standing Finance Committee. It was that, when they came to consider the practical proposal and the working out of these suggestions which had some what tentatively been formulated by Lord Hailey, at that stage they realised that it would be impossible to put before the Standing Finance Committee the budget estimates including the revenue proposals. It was not feasible.

Now, Professor Banerjee has referred to the practice in England. I can assure him that the difficulties which we encountered here have been

encountered in England in a much more acute form, and that the Government in England in time of peace, not of war, came to the conclusion that it was quite impossible for any part of the Legislature to be associated with the executive Government in some of the processes which Professor Banerjea has attempted to include in his suggestions. The history of the Estimates Committee in England is a much more deterrent record than that of the Standing Committee here, and I would refer Dr Banerjea to standard works on the subject, such as Sir Hilton Young's work on National Finance, and I think he will find that it has been found that as a matter of democratic procedure and in the most advanced democratic constitutions, that it is not possible to associate the Legislature beyond a certain stage with the formulation of certain features of financial policy. That is to some extent borne out by the practice in the autonomous provinces of India under the 1935 Act when those provinces had a very large measure of autonomy. I think he will find that the practice of those Governments, including the Congress Governments, was much more, shall I say, authoritarian, than our practice has been at the Centre, and that arises inevitably from some of the constitutional necessities and limitations. That deals with, I think, the first point in the Hailey suggestions which included revenue. I may say, before I pass on from that point, that as one who has had a great deal to do with the estimation of revenue I am quite incapable of conceiving how with the best will in the world it would be possible usefully to associate a Committee of the Legislature at any time with so difficult and expert a process, and at the present time it really would be quite devoid of significance.

On the second point which I think was in relation to Supplementary Demands, as far as my recollection goes, it was found that the effect of carrying that out was to place before the Committee a large number of demands which really it was quite pointless to place before the Committee. Let me give the House an example. Refunds which have to be made under certain statutes, income tax, customs or excise, have to be guessed at the beginning of the year. You put a figure in the budget, while it may happen, in the course of the year, your legal obligations exceed the amount which you forecast at the beginning of the year. You then have to go before the Committee and obtain their preliminary approval to a change in the figure of the obligations which you are legally bound to carry out. Is that a procedure which has any significance? It was because of cases like that that we found that it was meaningless to say that every Supplementary Demand must necessarily go through the process of preliminary approval of the Standing Finance Committee. But we do endeavour to place before the Committee every demand in which there is advantage in having the matter considered before it actually comes before the House. That brings me to what is conceived to be the value of the Standing Finance Committee. Here I may say that I entirely disagree with Professor Banerjea about the utility of this Committee. A large number of projects arise in the course of the year and memoranda on these are prepared and placed before the Committee in the course of a session which usually lasts for one or two days and in which the Committee is at liberty to question in full detail the witnesses of the administrative departments which have formulated these plans. It would be impossible, without wasting the time of the House, for that ground to be covered in the course of the proceedings of the Assembly.

[ Sir Jeremy Raisman ]

And I may say, since constitutional points have been touched upon, that the practice is more analogous to that in the United States of America where Committees of the Legislature go through details of various proposals of the Government in order to clear the ground and simplify subsequent process in the Legislature. These items which appear before the Standing Finance Committee, supported by complete memoranda and with departmental witnesses there to answer all questions—these items may subsequently appear in the budget as only one or two figures and it would be much more difficult for the Assembly to take those out, and, obviously, much more difficult in the course of general debate on the budget and so on, to receive that degree of information and satisfaction which they can receive by sitting round a table with the witnesses. The object of the Standing Finance Committee is to enable a certain number of Members of this House to get that information in advance and thus to simplify the consideration of new projects and new items when they come before this House embodied in the budget.

There is one other point I should like to make in that connection. Professor Banerjee said that it was useless because the recommendations of the Standing Finance Committee were not decisions, the Standing Finance Committee was a purely advisory body. I do not know what has happened at other times but I am not aware myself of a single occasion on which the Standing Finance Committee has made a recommendation other than the one which was eventually embodied in the budget or placed before this House. Obviously, if such a matter did arise, if, in spite of an advice decision or recommendation of the Standing Finance Committee, the Government proceeded with its proposal and put it up before the House, then the members of the Standing Finance Committee would be in an excellent position to present their opposition and their reasons for opposing the proposal. So, even in that case there would be great utility in the procedure, but my point is that actually in practice that has not arisen, and if the Standing Finance Committee's recommendations had been decisions, which as a matter of constitutional practice I consider to be impossible,—but even if they had been, there would have been no difference, certainly during the three years during which I have been the Finance Member. For these reasons I suggest that the Honourable Member's objections to the functions of the Standing Finance Committee are not well founded.

**Dr P N Banerjee** Based on experience,—my own experience

**The Honourable Sir Jeremy Raisman** I consider they are not well founded. I would add one more final comment, and that is that in war time, particularly, it is undesirable to complicate or expand or elaborate the stages which have to be gone through before practical action can be taken.

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That this Assembly do proceed to the election, for the financial year 1942-43, in such method as may be approved by the Honourable the President, of a Standing Finance Committee of the Assembly not exceeding fourteen in number, to which shall be added a Member of the Assembly to be nominated by the Governor General. The Member so nominated shall be the Chairman of the Committee."

The motion was adopted.



**Mr. President** (The Honourable Sir Abdur Rahim) I may inform Honourable Members that for the purpose of election of members for the Standing Finance Committee for the financial year 1942-43, the Notice Office will be open to receive nominations up to 12 Noon on Friday, the 27th February, 1942, and that the election, if necessary, will take place on Wednesday, the 4th March, 1942. The election, which will be held in the Assistant Secretary's room in the Council House between the hours of 10.30 A.M. and 1 P.M., will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

### THE COTTON GINNING AND PRESSING FACTORIES (AMENDMENT) BILL.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) Sir, I move

"That the Bill further to amend the Cotton Ginning and Pressing Factories Act, 1925, be taken into consideration."

When the Cotton Ginning and Pressing Factories Act, 1925, was passed in that year, submission of weekly returns of cotton pressed by pressing factories but not the submission of similar returns of cotton ginned at ginning factories was made compulsory. This latter provision is now felt to be needed and several Provincial Governments like the Governments of Bombay and the Central Provinces have each promoted provincial legislation to amend this Act to suit their own needs. The subject matter of this Act is now in the concurrent field of legislation. The Indian Central Cotton Committee in 1940 also expressed the view that if the returns relating to cotton pressed were supplemented by returns of cotton ginned, a more complete indication of the crop would be obtained as, apart from ginned unpressed cotton consumed in spinning mills for which figures are available, both ginned unpressed cotton and kapas are used for domestic purposes, such as, hand spinning, making of quilts and mattresses, etc. The Committee addressed the various cotton growing provinces and requested them to undertake the necessary legislation. In the centrally administered areas there are several ginning factories, particularly in Ajmer-Merwara, and the Chief Commissioner of Ajmer-Merwara has pointed out to the Central Government that he is prepared to undertake this provided central legislation is passed and has suggested that such central legislation may be taken up. The Government of Assam also has made an enquiry whether, seeing that this subject is a matter for concurrent legislation, the Central Government will undertake such legislation so as to obviate the necessity of each individual province promoting legislation on the subject. The Bill, therefore, in the first place, requires that such statistics should be compiled in all centrally administered areas and at the same time opportunity has been taken to make suitable provision for any province which wants to have the benefit of this legislation, to apply it to that area and obtain that benefit. Sir, I move

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill further to amend the Cotton Ginning and Pressing Factories Act, 1925, be taken into consideration."

The motion was adopted

Clauses 2, 3 and 4 were added to the Bill

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudahar.** Sir, I move

"That the Bill be passed "

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill be passed "

The motion was adopted

### THE INDIAN PATENTS AND DESIGNS (EXTENSION OF TIME) BILL

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) Sir, I move

"That the Bill to provide for the extension of the time limited by or under the Indian Patents and Designs Act, 1911, for the doing of acts thereunder, be taken into consideration "

This Bill has been necessitated by conditions which have arisen consequent on the war. Many applicants under the Indian Patents and Designs Act have been prevented from completing proceedings instituted by them under various sections of the Act where certain time limits are prescribed by the Act or by the rules made under the Act. It is true that under the Act the Controller of Patents has got certain discretion to extend the time but the discretion that he can employ is not sufficient to meet the war conditions where due to the virtual stoppage of Air Mails and the long time that is taken by sea mail routes it is impossible for many of the owners of the patents to communicate in time with their agents, so that the prescribed fee may be paid or the act that is contemplated under the Patents and Designs Act may be completed. It is, therefore, considered necessary to provide for the extension of the time limits in such cases and to give retrospective effect to this provision, so that the proceedings originally instituted by the applicants may be revived if desired by them. The purpose of the present legislation which is on the lines of a similar legislation already adopted in the United Kingdom—section 6 of the United Kingdom Patents, Designs, Copyrights and Trade Marks (Emergency) Act—is to confer on the Controller of Patents and Designs power to extend the time limit imposed by the Indian Patents and Designs Act for doing certain acts if he considers it justifiable on account of the participation of the applicants in active service or of other circumstances arising out of the war. I therefore move that the Bill be taken into consideration.

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That the Bill to provide for the extension of the time limited by or under the Indian Patents and Designs Act, 1911, for the doing of acts thereunder, be taken into consideration "

The motion was adopted

Clause 2 was added to the Bill

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill

**The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar** Sir, I  
move

' That the Bill be passed ''

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That the Bill be passed ''

The motion was adopted

The Assembly then adjourned till Eleven of the Clock on Wednesday,  
the 25th February, 1942



## LEGISLATIVE ASSEMBLY

Wednesday, 25th February, 1942

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

### STARRED QUESTIONS AND ANSWERS

#### (a) ORAL ANSWERS

##### NON-PAYMENT FOR RATHJATRA HOLIDAY ENJOYED BY PIECE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA

95. \*Mr Amarendra Nath Chattopadhyaya: (a) Will the Labour Secretary please state whether it is not a fact that the gazetted holidays actually enjoyed can, at the option of the piece-worker of the Government of India Presses, be counted against any leave admissible to him and, if so, whether they are to be paid for?

(b) Is it not a fact that the Government of India Press, Calcutta, was entirely closed on the 4th July, 1941 on the occasion of the Rathjatra festival, observed as a local holiday?

(c) Is it not a fact that the Government Resolution No F119R-28, dated the 8th September, 1928, of the Government of India, Finance Department, permits leave on average pay?

(d) Is it not a fact that the piece employees of the Government of India Press, Calcutta, applied to the Manager, Government of India Press, to the effect that leave actually enjoyed by them on 4th July, 1941, on the occasion of the Rathjatra festival (observed as local holiday), be counted against any leave admissible to them under Government Resolution No F 119R-1 28, dated the 8th September 1928, but the Manager of the Government of India Press, Calcutta, rejected their prayer?

(e) If the replies to parts (a) to (d) be in the affirmative, will Government be pleased to state the reasons for non-compliance with the Government orders by the Manager, and what action they intend to take in this connection? If not, why not?

Mr H. O Prior (a) Yes, against leave on average pay

(b) No

(c) Yes

(d) Yes

(e) The Manager complied with the Government orders. Local holidays actually enjoyed cannot be counted against leave on average pay like gazetted holidays

##### REVISION OF SALARY OF MONO-CASTERS IN GOVERNMENT OF INDIA PASSES

96. \*Mr. Amarendra Nath Chattopadhyaya: (a) Will the Labour Secretary please state whether it is not a fact that the salary of the type

supplier is graded from Rs 30—2—40 and that of the Mono-caster Rs 30—1—35 in the Government of India Press, Calcutta?

(b) Is it not a fact that the work of Mono-casters requires both academic and technical qualifications?

(c) Is it not a fact that the Mono-casters of the Government of India Presses, Calcutta and Delhi, die a premature death before any pension is earned by them?

(d) If the reply to part (c) be in the affirmative, will Government be pleased to state the reason therefor?

(e) If the reply to part (c) be in the negative, will Government be pleased to state

(1) the number and names of Mono-casters who retired in the years 1920 to 1941,

(2) the length of their service, and

(3) the amount of pension allowed to them?

(f) Is it not a fact that the salary of all employees in the Government of India Presses was revised in 1928, except that of Mono-Casters?

(g) If the reply to parts (a), (b), (c) and (d) be in the affirmative, are Government prepared to consider the case of Mono casters and revise their salary also? If not, why not?

**Mr. H O Prior** (a) Yes

(b) No

(c) No

(d) Does not arise

(e) (1) Messrs Hari Charan Das and Ajit Senapaty, Government of India Press, Calcutta and Mr Jagat Ram, Government of India Press, New Delhi

(2) 16 years, 10 months and 17 days,

13 years, 11 months and 17 days, and  
6 years, 5 months and 21 days, respectively

(3) Mr Hari Charan Das retired on an invalid pension of Rs 8-2 0  
The other two were not governed by the pension rules

(f) No

(g) Does not arise

#### DELAY IN RECEIVING OPINIONS ON THE RECIPROCITY BILL

**97 \*Mr Govind V Deshmukh** Will the Honourable the Leader of the House please state

(a) if he is aware that the motion for circulation of "Reciprocity Bill" introduced by me was adopted on the 7th November, 1941, by this House, that public opinion on this Bill has not yet been received and that in the absence of it no motion referring the Bill to a Select Committee can be made,

(b) if the non-receipt of public opinion on it was due to the fact that there was a short period for it between the close of the last Session and the holding of this Budget Session, if not, what was it due to,

- (c) if he is aware that there are only three days in this Session fixed for non-official Bills,
- (d) if it is realised that such a short interval for getting opinion on Bills is a great handicap to the non-official Members introducing Bills,
- (e) if the period between the close of the Autumn Session and the commencement of the Budget Session will be extended by convening the Autumn Session earlier, say about the 15th September of the year, if not, the reason for it, and
- (f) how he proposes to help the non-official Members in their work of legislation under the circumstances detailed above?

**The Honourable Mr M S Aney** (a) and (b) It is a fact that for the reasons indicated by the Honourable Member it was impossible for a further motion in regard to the Bill to which he refers to be made on the 14th February.

(c) Yes

(d) The curtailment under existing arrangements of the interval between the Autumn and Budget Sessions undoubtedly involves a certain measure of inconvenience but I do not feel that the Honourable Member has any ground for complaint by reason only of his inability to make a further motion on the Bill to which he refers on the first private Bill day of the current Session. I understand that opinions on the Bill in question have been called for by the 1st March and there should be nothing to preclude the moving of a further motion with reference thereto on the second private Bill day on the 24th March.

(e) As the Honourable Member is aware, the date for the commencement of a Session is appointed by the Governor General but the arrangements which have necessitated the discontinuance of the holding of Sessions in Simla, taken in conjunction with climatic and other considerations, will, I fear, preclude the convening of the autumn Session at the time favoured by the Honourable Member.

(f) I do not feel that the circumstances are such as to require any action by me but I would be glad to consider any practicable measures which the Honourable Member may desire to suggest.

**Mr Govind V Deshmukh** With reference to the reply to part (e) of the question, may I know if Government will think that the exodus to Simla is not desirable under the circumstances and it can be dispensed with so that the legislation can be effectively carried through as the Session can be held earlier?

**The Honourable Mr. M S Aney** The Honourable Member has raised a question which is really not relevant to the particular question he has put. He has raised a question of policy which can be answered if he tables a question to that effect.

#### NUISANCE CAUSED TO THE VICINITY BY THE BUS DEPOT AT BARAKHAMBA, NEW DELHI

98 **Mr. Muhammad Muazzam Sahib Bahadur:** (a) Will the Honourable Member for Education, Health and Lands, please state what action

has been taken on the representation submitted by the residents of the Baiakhamba area surrounding the Depot of the Gwalior and Northern India Transport Company complaining about the inconvenience caused to them by the noise and smoke emanating from the depot at all hours of the day and night?

(b) Is the Honourable Member aware that the Company's buses create a great amount of noise and smoke and are started and repaired throughout the day and night?

(c) Is the Honourable Member aware that the nuisance referred to in part (b) above is affecting the health and comforts of the residents of the locality who cannot have sufficient rest and sleep in consequence?

(d) Is the Honourable Member prepared to take immediate steps either to remove the depot and the workshop from the present locality or take steps to remove the cause of the annoyance at an early date?

**The Honourable Mr. N. R. Sarker** (a) Instructions have been issued to the company, through municipal notices and executively, to avoid night work in the depot as far as possible and the General Manager of the company has informed the New Delhi Municipal Committee in a recent letter that the only work which is now done after 11 P.M. is the refuelling of tanks for about an hour.

(b) and (c) There has been no complaint of smoke but noise caused by night work in the depot has probably been a cause of inconvenience to persons living near by.

(d) Reference is invited to the reply to part (a). The present state of affairs is largely the result of war conditions, the company is unable to acquire new vehicles and to keep its fleet, which is worked to capacity, in working order, repairs have to be executed to some extent in 'off' hours. Removal elsewhere of the company's depot is not practicable during the war.

#### WATER SUPPLY PROBLEM AT AJMER

†99 **\*Dr. Sir Ziauddin Ahmed\*** (a) Will the Honourable Secretary for Labour be pleased to state whether it is a fact that Mr. Griffin, Superintending Engineer, Health and Services, New Delhi, presented a report to Government that two Belts could be constructed in the vicinity of Ajmer which would give 20,000 gallons of water per hour?

(b) Did Government carry out any experiment and what was the result?

(c) If the experiment was a failure, will Government be pleased to state what other alternative is proposed for the supply of drinking water for Ajmer and when will the water supply at Ajmer be available?

**The Honourable Mr. N. R. Sarker** Presumably the Honourable Member refers to 'tube wells' and not 'two Belts' in part (a) of the question. The information has been called for and a reply will be furnished to the House when it is received.

#### ORDINANCES ISSUED BY THE GOVERNOR GENERAL

100 **\*Mr. Lalchand Navaraj\*** (a) Will the Honourable the Law Member be pleased to state how many Ordinances the Viceroy and Governor

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† Answer to this question laid on the table, the questioner being absent



General of India has issued under the Defence of India Rules, or the Defence of India Act, since that Act came into force and what subjects they pertained to?

(b) How many Ordinances has the Viceroy and Governor General of India issued under the Government of India Act since 1935, and what subjects did they pertain to?

(c) What was the immediate urgency for each of the Ordinances mentioned in parts (a) and (b)?

(d) Were any of the Ordinances mentioned in parts (a) and (b) brought, at any time, before the Houses of the Central Legislature for their suggestions or confirmation of the subjects to which they related?

**The Honourable Sir Sultan Ahmed** (a) None. The Governor General derives no power to issue Ordinances from the Defence of India Act or Rules.

(b) and (c) The Governor General made three Ordinances under section 72 of the Old Act in 1935 and he has made 45 Ordinances under the same section as set out in the Ninth Schedule to the New Act from the 28th August, 1939, to date. I cannot attempt to specify the subject matter or the immediate occasion for the issue of each Ordinance within the scope of a reply to a question and I must refer the Honourable Member to the text of the Ordinances of which copies are in the Library.

(d) Before the temporary removal by sub-section (3) of section 1 of the India and Burma (Emergency Provisions) Act, 1940, of the limitation of the duration of Ordinances to six months, any Ordinance for the provisions of which a longer duration was required had necessarily to be replaced by an Act of the Legislature and seven of the 12 Ordinances made before the commencement of the Act in question were so replaced. A Bill for the continuation of the provisions of the Coffee Market Expansion Ordinance, 1940, to which a temporary duration was assigned, has recently been passed by the two Chambers.

**Mr N M Joshi** May I ask whether the Government of India will print and publish all these Ordinances and Rules in a book form for the convenience of the Members as well as of the public?

**The Honourable Sir Sultan Ahmed** We will certainly consider this suggestion.

**Mr. Lalchand Navarai** May I know if the Viceroy or the Government of India have not been issuing Ordinances under the Defence of India Act? Can the Provincial Governments also issue such Ordinances?

**The Honourable Sir Sultan Ahmed.** No Ordinance can be published under the Defence of India Act or Rules by any authority.

**Mr. Lalchand Navarai.** Then who issues these orders under the Defence of India Act?

**The Honourable Sir Sultan Ahmed.** The Central Government as well as the Provincial Governments.

**Mr Lalchand Navalrai.** That is exactly what I am asking. When the Central Government issues these Ordinances, are they

**The Honourable Sir Sultan Ahmed.** The Central Government does not issue the Ordinances. The Governor General alone has the power to issue them.

**Mr Lalchand Navalrai.** Therefore, I ask that if the Ordinances are being issued so freely during the time of the war when they are necessary, can you not see that such Ordinances come before the House before they are issued?

**The Honourable Sir Sultan Ahmed.** No.

**Mr Lalchand Navalrai.** Why not?

**The Honourable Sir Sultan Ahmed.** The Emergency Act has given the power to the Governor General to issue such Ordinances without any limitation.

**Mr Lalchand Navalrai.** But that is supposed to be done subject to the consent of this House?

**The Honourable Sir Sultan Ahmed.** No.

**Mr Lalchand Navalrai.** I know that there is a power to issue an Ordinance without bringing it before this House and I am objecting to this power. Will the Honourable Member see that that is not done in the future?

**The Honourable Sir Sultan Ahmed.** The objection may be there. The logical effect of the removal of the limit of duration of the Ordinance under the new India and Burma Act is that no attempt should be made to enact an Ordinance. Apart from that, there is no practical advantage. Supposing an Ordinance was brought before the House for enactment, the House will either accept it or reject it. If it accepts it, there is no point in bringing it; if it rejects it then the Ordinance will remain in force.

**Mr Govind V Deshmukh.** Will the Government consider the advisability of publishing in vernacular in different provinces some of the Ordinances such as those which deal with crime and other similar matters so that the public in general may know their contents?

**The Honourable Sir Sultan Ahmed.** We will consider the suggestion.

#### REPRESENTATION OF INDIA IN THE PACIFIC WAR COUNCIL, LONDON

101 **\*Mr Govind V Deshmukh.\*** Will the Honourable the Leader of the House please state if any steps were taken by the Government of India to secure representation for India on the Pacific War Council established in London? If so, has India got it? If not, why not?

**The Honourable Mr M S Aney.** I invite the Honourable Member's attention to the following communiqué issued on the 12th February.

"His Majesty's Government are anxious that India should be afforded the same opportunity as the Dominions of being represented at the War Cabinet and on the

Pacific War Council for the purposes of the formulation and direction of policy for the prosecution of the war. They have accordingly invited the Government of India to arrange for such representation if they so desire."

**Mr. Govind V. Deshmukh.** May I know if, on this Pacific War Council, America and China are represented?

**The Honourable Mr. M. S. Aney.** I do not know exactly whether they are represented or not. My source of information is just the same as the Honourable Member may have, viz., the reports in the newspapers.

**Mr. Govind V. Deshmukh.** Is the Honourable Member in the know of the functions of the Pacific War Council?

**The Honourable Mr. M. S. Aney.** The functions are broadly indicated here in the *communiqué*, which is the formulation and the direction of the policy for the prosecution of the war.

**Mr. Govind V. Deshmukh.** May I know if the Government have taken early steps to represent this Government on the Pacific War Council?

**The Honourable Mr. M. S. Aney.** The whole question is under the consideration of the Government of India.

**Mr. N. M. Joshi.** May I ask whether the Government of India have accepted the invitation? If so, whom are they going to send to deputise for them?

**The Honourable Mr. M. S. Aney.** I am not in a position to make any reply to it.

**Mr. K. C. Neogy.** May I draw the Honourable Member's attention to the point in the question which seems to have been overlooked? If any steps were taken by the Government of India to secure representation for India on the Pacific War Council established in London? We very much appreciate His Majesty's Government's anxiety that has led to this particular decision, but was that anxiety caused in any way by any representation which the Government of India made to His Majesty's Government?

**The Honourable Mr. M. S. Aney.** I have already repeatedly stated in this House that any matter which is the subject of communication between the Government of India and His Majesty's Government is never disclosed in this House on grounds of public policy.

**Mr. K. C. Neogy.** I merely drew the attention of the Honourable Member to the question itself.

**The Honourable Mr. M. S. Aney.** The question itself refers to the subject matter, and so it cannot be disclosed.

## THE RAILWAY BUDGET—LIST OF DEMANDS

### SECOND STAGE.

**Mr. President** (The Honourable Sir Abdur Rahim). Before the House proceeds with the Demands for Grants in respect of the Railway Budget,

[Mr President]

the Chair would like to inform Honourable Members that an arrangement has been arrived at among the various Parties of the House as regards the time which should be allotted to each Party and the order in which the cut motions relating to these Demands will be taken up in the Assembly. According to that arrangement, the Congress Nationalists have been allotted time up to the Lunch interval today, and the following cut motions will be moved by them

Cut motions Nos 1, 3, 13, 37 and 49 on the Final List

The Independents who have been allotted time from 2.30 P.M. to 4 P.M. today will move cut motions No 1 on the Late List and No 32 on the Final List

The Unattached Members, who have been given time from 4 P.M. to 5 P.M. today, will move cut motion No 10 on the Final List

On Thursday, the 26th February, the European Group will occupy the time of the House till 1 P.M., and during this time they will move cut motions Nos 50 and 51 on the Final List. They will be followed by the Muslim League who have been allotted time from 1 P.M. to 1.15 P.M. and from 2.30 P.M. to 5 P.M., and they will move cut motions Nos 41, 52 and 55 on the Final List and No 2 on Late List

As regards the time limit for speeches, the usual practice has been for the Mover of the cut motion to take 15 minutes and the other speakers also to take 15 minutes and the Government Member replying will have 20 minutes. I suppose this will suit Honourable Members.

**Honourable Members** Yes, yes

**Pandit Lakshmi Kanta Maitra** (Presidency Division Non-Muhammadan Rural) Has the Mover got the right of reply?

**Mr. President** (The Honourable Sir Abdur Rahim) The Mover of an amendment has no right of reply

#### DEMAND NO 1—RAILWAY BOARD.

**The Honourable Sir Andrew GLOW** (Member for Railways and Communications) Sir, I move

"That a sum not exceeding Rs 11,96,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of the 'Railway Board'."

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

"That a sum not exceeding Rs 11,96,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of the 'Railway Board'."

#### *Excessive Rates of Fares and Freights*

**Mr. Jambadas M. Mehta** (Bombay Central Division Non-Muhammadan Rural) Sir, I move

"That the demand under the head 'Railway Board' be reduced by Rs 100"

Sir, my tale is long, but my time is short. I maintain, Sir, that the rates of Railway fares and freights in this country have always been very high, that they have been made heavier in the last six years, that the proposed further increase is totally unjustifiable and the economical working of the railways demand that these rates should be reduced. A claim has been made on behalf of the Railway Board which has sometimes found an echo in the report of some Committee that the Indian rates and fares are the lowest in the world. I beg to demur. They are low, very low in terms of annas and pies, but the real test whether a railway rate is higher or lower is not the nominal figure of travelling charges per mile, but what proportion that rate bears to the day's income of the man who travels a mile. That is the only real test. If in England the income of the people is ten or 20 times higher than the average income of the man in this country and if the Railway rate is four times higher, it still means that the rate in England per mile is one fifth of the rate in this country. That is the real test. The average annual income in this country is no more than Rs. 60 which means less than three annas a day. On the other hand the average income in England is many times higher and yet the Railway rate is lower in England than in India a mile. Therefore the comparison is not between three pies and 12 pies or nine pies, but what share of the income of the day is required to carry him a mile. From that point of view I submit that the railway rates in this country are the highest. Apart from that absolutely also they are very high. They have been raised substantially during the last five years beginning from 1936-37. We are threatened with further increase which I maintain is absolutely unjustifiable.

Now, Sir, why do I say that the railway rates in this country are absolutely the highest? I say so because they are in excess of what they should be regard having had to the cost of transport in a country. What is the cost of transport in this country? According to the Acworth Committee and according to all reasonable tests, the scales of rates and fares must be fixed in order that railways can meet their working expenses, interest on their debt, depreciation on the wastage of assets and a small margin of profit for eventuality. If the railway rates in any country asked from the public anything by way of rates and fares which are beyond working expenses, interest charges, depreciation and a small margin of profit for eventualities, those rates are heavy. And I submit, Sir, that in India the railway traveller and the trader are subjected to a much heavier imposition than these factors of working expenses require and that is why the rates in India tend to be the highest possible rates beyond the capacity of the people to bear. This is proved by the return on railways which we have got during the last few years. You will find, Sir, that the average rate of interest which the railways pay is somewhere between  $3\frac{1}{2}$  and 4 per cent,—sometimes a little higher and sometimes a little lower,—and we are earning about seven per cent. And this in spite of the fact that the railways are subjected not only to legitimate claims but to illegitimate claims also. Why are the rates excessive and why should they be reduced? Because the railways in this country are subjected to legitimate as well as illegitimate claims. There are quite a host of claims of a parasitical character and it is these parasites

**The Honourable Sir Jeremy Raisman (Finance Member)** Am I the chief parasite?

**Mr Jamnadas M Mehta** I shall give a description of those who are parasites and if the cap fits the Honourable Member he can put it on. But I certainly say that a large part of claimants on railway revenue are parasites and nothing more. First of all, comes the monopoly of the Britishers on very heavy salaries and even heavier privileges. I do not want to go into all that in detail because, as I told you, my tale is long and my time is short. But I say that the first parasites are the Britishers who take away more than half or even more in big posts which carry heavy privileges. The other parasites are the strategic railways which take away two crores generally although this year they do not. And the third parasitical factor is that Railways have to pay for ecclesiastical expenses. What that total burden is I do not exactly know, I should like Government to tell me that. But I estimate these three parasitical claims at three crores. But these are not the only parasitical claimants, there are others also which I shall describe briefly. They are, first, the sub-monopoly of my Honourable friend Sir Henry Gidney and secondly, the communalisation of services without regard to merit. These are the second set of parasites who take away between themselves I do not know what. But they must be taking away a large part of the efficiency of the railways, because the appointments are not on merit but on political nepotism. But these two, while they are heavy and illegitimate there is a third class of parasites. They are eight in number. They are financial parasites and now I request the Honourable the Finance Member to see whether he comes within the description. First of all, we pay, every year about one crore of rupees as the loss of our legitimate share in their profits. The worked line pays us 40 per cent of the working expenses while our own admitted working expenses are sometimes 68 per cent, they do not pay their way and they are a liability on the railway revenue. In my opinion, ordinarily, they take away one crore of rupees a year. Then come the guaranteed interest on railways and losses on other railways. Those losses on one railway have to be paid by a traveller on another. The Assam Bengal Railway, the Burma Railways before 1936-37, the Bengal Nagpur Railway, and many other railways are a burden or have been a burden on the railway traveller on other lines to the extent of three crores or four crores a year.

**The Honourable Sir Andrew Clow** Where is that to be met from?

**Mr. Jamnadas M. Mehta** You increase there where the rate is lower, why on the Bombay, Baroda and Central India Railway, which is earning eight or nine per cent? But I maintain that this cost was nearly three or four crores of rupees a year. Then the depreciation charge is heavier, according to me, by four crores of rupees. Then the charging to revenue expenses on capital works, which were only increased in the year before last by 30 lakhs a year, the total charge in that respect must be somewhere within 50 lakhs a year. The loss on dismantled railways is not made good to revenue but is charged to revenue. Then the payment of interest during construction for the last 50 or 60 years also carries a tale of 50 lakhs of rupees a year. Then the manipulation of accounts, as on page 6 of the memorandum on the budget of 1929-30, will show that under the garb of some adjustment of accounts 58 lakhs of rupees every year are taken away from revenue without justification. In these ways, Sir,

these three sets of parasitical claimants, which have no legitimate claims on a commercial undertaking like the railways, take away, in my humble opinion, not less than ten crores of rupees a year, besides what we pay to railway reserves and to Government. The Government claim I accept. So long as you pay one per cent on the capital at charge I would not object, all further claims in my opinion are extravagant. The general revenues are our revenue as taxpayers and they must be relieved to some extent, although I do not believe in a tax on transport at all. But this is not even a tax, one per cent is a legitimate payment, whatever else you get is extravagant. I am prepared to go into a committee on this if my figures are not accepted.

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member has two minutes more.

**Mr. Jamnadas M. Mehta** Very well, Sir. I will allow legitimate claims like working expenses, interest, depreciation and marginal profit. But these illegitimate claimants who are no factor in a commercial undertaking, as the Acworth Committee says, are fattening on the traveller and the trader. If a private business man by such uncommercial and uneconomic methods gets out of business, he is the sufferer and his rivals will get the custom. But here this is a monopolist concern, the public have no other place to go to, and still these parasites take away, I maintain, not less than 12 crores of rupees a year between them. And are you surprised that the third class compartments are overcrowded? Are you surprised that you cannot get 12 lakhs a year for the comfort and convenience of the third class passenger? Are you surprised that the worker has got a constant grievance about wages? If you want to remove these, if you want to run the railways as a commercial proposition, if you do not want to reduce this national transport service and public utility concern into the greatest profiteering concern you must reduce first of all these illegitimate claimants and then these rates and fares will logically and automatically go down.

Between 1936 and 1937 you have increased the railway income by increasing the rates by ten crores. How can the poor traveller bear all these enormous burdens of other people? How can a poor country like this pay for all these illegitimate claimants and parasites? How can they pay for the unsound financial adjustments which have no bearing on the question of working expenses of the railways? On all these grounds, Sir, I maintain that the rates and fares in this country are absolutely beyond the capacity of the people to bear, that they are not worthy of a sound business concern nor of a public utility concern nor of a national transport service, and, therefore, it is proposed that they should be reduced. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) Cut motion moved.

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

**Mr. Lalchand Navaijai** (Sind Non Muhammadan Rural) Sir, the raising of freights and fares is a question which has agitated the whole of India. Without taking much time I should say that the justification for raising the rates and fares would only arise if the Honourable Member

[Mr Lalchand Navalrai]

brings out a deficit Budget. Hitherto, whenever these rates and fares have been raised, it is mostly on account of deficit in the Budget. What do we find now? We find that this time the reason is given that they are going to raise the rates and fares for discouraging people to travel. But the point arises is there any necessity for it when the Budget discloses such a huge surplus? At this time of emergency no one can doubt that an effort should be made in respect of war purposes. There is no doubt that any help given at this time would be legitimate, but it will be more legitimate if the purpose be to see that war does not come to India, and not that Railway locomotives, railway wagons, railway tracks, should be sent away overseas and nothing should be done for the safety of India. War is already near the borders of India and hitherto a short-sighted policy has been followed. We had been crying hoarse that India is short of locomotives, yet nothing was done in these days. Locomotives were imported from outside which were not working properly and were getting disabled. Even those disabled locomotives seem to have been sent overseas, wagons and tracks have also been removed. Several lines have been dismantled.

Now, Sir, the Honourable Member says that the surplus should go to the general revenues. I say that was again a short-sighted policy. He should have waited at least to keep as much reserve as was necessary to reconstruct railway working during the war which would help the people in travelling and moving their goods. That has not been done. That is the first defect that one can find. The Honourable Member could have waited because he himself says that the present position is that a moratorium is in force in respect of past debts to the Depreciation Fund and to general revenues. May I know whether by giving this contribution to the general revenues we will be saved from the taxes which the Honourable the Finance Member may put upon the country? He is accustomed to do that and we do not see how under the pretext that more money is needed for the war, he may not put any further taxes. Now, the Honourable Member has said that the bulk of the increased revenue would go under the present arrangements to the tax-payers and thus permit them to be relieved in other directions. He has not described those directions. He perhaps thought that there will be no taxes on the general revenue side, but where is the guarantee? Has he taken any guarantee? He should have told us that he has got a guarantee by which the country is going to benefit. However, if the travelling public is further taxed, and, therefore, giving away all the surplus to the general revenues was absolutely wrong as that would leave nothing to put the Railways in order or at least to provide the minimum facilities and amenities for the travelling public. I, therefore, say that the surplus should be reserved for this purpose.

Then, Sir, the other reason that is assigned is "that the demand of passenger traffic has already reached a level which we have been unable to meet and so far from being able to increase our capacity here, we may have to make a substantial diminution almost at once." Now this is another threat. I see today that there is another threat thrown out by a Notification of the North Western Railway to the effect that the Return Tickets to a certain extent are also being done away with. Why should the public be put to all these difficulties and inconveniences? The further reason given is that the traffic will decrease by this imposition of extra



rates In these days when people are moving, not for luxury or for unnecessary purposes, but on account of panic of the war being at their door, no impediment in travel should be introduced by the Honourable Member Is he going to tell them "Go away anywhere" where they cannot go? Is that the business of the Railways to say? Sir, it is because of Railways that we have been deprived of other methods of transport Take the motor cars, for instance The Railways had been discouraging them in the beginning because there was a rivalry between the two Then the road traffic was impeded And now on account of the rationing of petrol, transport by motors and buses has almost come to a standstill Therefore, that way of transport is also gone Then, take the question of bullock carts Formerly, we used to have bullock carts but they have also been discouraged on account of Railway transport and motor transport Now where are sufficient bullock carts and in what direction has the Railway helped those people to increase that method of transport"

Then, again, the Honourable Member says

"Passenger fares on these Railways are substantially below the level prevailing on the other State managed lines and there is no sufficient ground for continuing to give passengers on those Railways particularly cheap rates"

In the first place, are the present railway rates cheap? It has been shown several times that rates have been raised from time to time Even the third class passenger rates have been raised During the previous war time, the fare was  $1\frac{1}{2}$  pies per mile, it was then raised to two pies and then to  $2\frac{1}{2}$  pies, and then again to three pies When the surcharge was imposed it came to  $3\frac{1}{2}$  pies and now they are going to raise it to  $3\frac{3}{4}$  pies per mile Have they ever decreased it? No They will not do it and yet they say that it is still cheap and that is their justification It has been suggested that in comparison with other railways it is cheap here No reason has been given why it is so I ask why was so much disparity allowed here unless it was very necessary? To me it appears that there are two reasons for rates being heavier there Those lines may be short lines, as the passengers might be few and, therefore they may not feel higher rates But here there are big lines and if you put high rates they are a burden on the people The freight rates are also high, there is great necessity for goods to be moved, as goods are now lying in heaps at stations and the railway is unable to move them If parcels move freely it will relieve the movement of goods somewhat But even on the parcel rates an extra two annas rate in the rupee is going to be imposed and this will certainly handicap their movement and people will not be able to send anything There has been a definite and considered opinion of several chambers of merchants on this point, and I find the Indian Merchants Association of Karachi have said

"It is rather surprising that with such a heavy surplus the Railway Member should have thought fit to increase fares and freights, already the various concessions that were enjoyed by the public have been or are being withdrawn and although on lower classes only  $\frac{1}{4}$  pie per mile is proposed to be enhanced, the extra burden will be keenly felt by the poor and middle class people whose purchasing power is already reduced by rising prices"

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member's time is up

**Mr Lalchand Navarai:** I shall just finish, Sir

**Mr President** (The Honourable Sir Abdur Rahim) No, no The Honourable Member must finish now

**Mr Lalchand Navarai:** A similar opinion has been given by the Buyers and Shippers Chamber of Karachi

**Mr K C Neogy** (Dacca Division Non-Muhammadan Rural) Sir, I shall be very brief in my submission. When the rates and freights were enhanced on the last occasion, the action was justified on the ground that the railways were passing through days of adversity. Now that a phenomenal prosperity characterises the railway finances, the Honourable Member in charge justifies the retention of the high rates on the grounds of prosperity. The purport of his reply to the general debate on this point was that it is right to take advantage of the present prosperity in maintaining the high rates. I think that was more or less the purport of what he said. Now, when it is adversity that is the justification for the raising of rates, when it is prosperity that it is the justification for the maintenance of those high rates. But when my Honourable friend talks of prosperity, does he mean that the so-called prosperity of the Railway Department is reflected by the general prosperity of the people at large, is it reflected by any general prosperity of trade and industries of the country? I expect my Honourable friend will reply to this point and try to justify the maintenance of this policy in view of the actual state of affairs in the country.

I should have very much liked my Honourable friend to tell us something about the policy that may be followed in the present day in regard to such matters in those countries where the system of State ownership and State management obtains. I have not got any materials at my disposal to enable me to make a comparative study so as to find out how far the policy followed by the Railway Department in India in this matter has any parallel elsewhere in the world. But I have in my hand a book which throws some amount of light on this question, not as regards what happens in the other countries of the world, but what is actually happening in a particular spot in India itself which is not under the Government of His Majesty. I have in my hand the latest administration report of His Exalted Highness' Government, for the year ending 6th October 1939 corresponding to the year 1348 Fasli. His Exalted Highness the Nizam's Railway was faced with reduced earnings, and what is the action they took in that matter? Steps have already been taken, the Report says, to reduce the railway rates, because they ascribed this reduction in earnings to the failure of certain important crops in His Exalted Highness' dominions, and it further goes on to say

"A number of reduced rates have been quoted to enable free movement of edible grains from one centre to another within the dominions. Similar concessions have been given to other agricultural products with a view to increase local consumption for industrial and other purposes and to increase exports."

I very much hope that my Honourable friend will take a leaf out of the book of His Exalted Highness' Government in this matter and judge whether the policy he has been following is the right policy.

**Mr. J. H. F. Raper** (Government of India Nominated Official) Sir my Honourable friend, Mr Jamnadas Mehta, linked, so far as I could see, rates and freights with the average income of the inhabitants of this country and came to the conclusion, in consequence, that the rates and fares were unduly high. He actually quoted, I think, the average income of the man in Great Britain. Why he selected that I do not know—possibly because the average income of Great Britain is the highest. But he did not explain it, but I have here the results of an analysis made in America,—it is true it was made some years ago,—but there is not, so far as India is concerned, a great difference in the rates charged in the year referred to here, as I hope to show later. I propose to take a different comparison and will quote China. China is a large country with a very large population as India, and the average receipts per ton mile in China calculating in cents was 3.08, whilst in India it was .832. China it is true, has a much shorter haul, only 88.34 miles as against 246 in British India, but in spite of that difference in the haul, there is still a very great disparity in the rates.

Then as regards passenger fares, again taking China, the average receipts per passenger mile was 2.49 cents, whilst in India it was 0.451. The average distance a passenger travelled in China was 57.33 miles, whilst in India it was 35.7. We, therefore, carried our average passenger a much shorter distance and charged very much less for it. Usually, it is the other way round. Then my friend suggested that the rates and fares charged should be linked to the average income in the country, but I would first remind him that there are quite a number of people in this country who have no income at all and if he is interested in our own statistics and would refer to the ticketless travel statistics, he will find that hundreds and thousands of passengers had been turned out of the trains because they had no income, but I think it is pretty obvious that those people could not possibly be made to pay and make the Railways work.

Then again, my friend will realise and the House will realise that much of our equipment has to be obtained abroad. It is sad, but it is true, and if the wages in foreign countries or other countries from which this equipment is purchased are higher than in India, here the higher wages are reflected in the price of the engines, other expensive electrical equipment, etc. So when we on the one hand have to pay for material which has been produced in other countries where the wages are very much higher than here, on that account alone.

**Mr Jamnadas M. Mehta:** I have said that the working expenses may be charged to revenue. I have not complained of it.

**Mr. J. H. F. Raper:** There is another point which is, I think, very pertinent, and that is, that the average wage which the Railways pay to all their staff, even if you desire to pick out the lower grade staff and exclude the officers, the average wage paid is very much in excess of the average income in the whole country, as I think my friend will admit.

There is one other point I would like to refer to which Mr Neogy mentioned, and that was the action taken, I gathered, recently on H. H. The Nizam's Railways. He referred to the fact that the State is proposing to

[Mr J H F Raper]

reduce rates for food grain. The statistics which we maintain, Part II, will, if referred to, show that the rate charged for food grains on H H The Nizam's Railway is somewhat higher than on some other Railways. In fact, the average rate charged is low because I believe, of a good deal of through traffic moving from the north to the south, for which very low rates are charged. But if the various tariffs are referred to, it will be seen that they do not as a general rule charge for internal movements quite as low rates as other Railways. There may, therefore, have been justification possibly for some reduction where found necessary.

I would lastly refer to what Mr Janmadas Mehta said. He said that between 1936-37, we have increased our rates and fares by ten crores. I am now reading out statistics which are taken from our statistics. In 1936-37 the average rate charged per ton of coal per mile was 3.21 pies, in 1940-41 it was 3.13 pies, there is, therefore, a reduction there. For grains and oilseed, the average rate charged was 7.85 in 1936-37, while in 1940-41 it was 7.47 pies per ton, there is again a reduction there. Other commodities, here it is true there is a slight increase from 8.85 in 1936-37 to 9.02 in 1940-41, but, on the whole, taking all commodities there is a reduction between 1936-37 and 1940-41, from 6.17 pies per ton in 1936-37 to 6.11 in 1940-41. On the goods side there is a decrease actually in the amount charged. Passenger fares are a slightly different story, but we will take the third class alone. In 1936-37 the average amount charged for 3rd class passengers was 3 pies per passenger per mile, in 1936-37 it was 2.95, and in 1940-41, it was 3.05, a very small increase which clearly could not give an increase of ten crores of rupees.

**Maulvi Muhammad Abdul Gham** (Tirhut Division, Muhammadan)

Sir, the Honourable Member in his speech made it quite clear that he is going to increase the rates and freights in order to discourage unnecessary travelling, but may I ask him, is this the proper time to do so when the war is waging all round and has reached almost the doors of India? What would have been the fate of people in Singapore and Rangoon who passed through Calcutta and who had to travel by the East Indian Railway to different cities in India to reach their homes? If his policy had been there, then those poor people would not have been allowed to travel by the East Indian Railway. The question is whether such kind of travel will be regarded as unnecessary travel or not. He has not given any definition of necessary travel or unnecessary travel, but he has tried to adopt a very dangerous policy. Sir, we find that in the present Budget there is provision for the purchase of the Bengal and North Western Railway and the Rohilkhand Kumaon Railway. The rates and fares on those Railways are the lowest when compared to the rates and fares on other Railways in India. I am afraid that some day he will come forward with the plea that as the rates and fares are the lowest on these two Railways and as they have now come under State management, the rates and fares on these two Railways also should be brought in a line with those prevailing on other State Railways with the result that the people of that locality will be subjected to unnecessary harassment by increase in the rates and fares on those two Railways. Sir, at the present moment the Honourable the Railway Member should be cautious not to harass the residents of localities through which these two lines pass. I must sound a note of warning against any increase in rates and fares of those Railways.

My Honourable friend says that he will have a crore of rupees by increasing the rates and fares of the third and Inter class passengers over the East Indian Railway and the North Western Railway. But he could have several times that one crore by adopting other methods. For instance, let the exchange be done away with. From the last Audit Report I find that there was a loss of Rs. 8,97,40,508 sustained by the State railways on account of exchange. Such losses are sustained in more or less the same amount every year. He might have stopped this waste. Again, according to the last Audit Report, there was loss due to the shortage of stores, revaluation of stores, and shortage of coal, etc. If my Honourable friend had only exercised proper control he would have saved several crores of rupees. The last Audit Report reveals that under these heads Rs. 33,71,000 were lost. There was the abandonment of claims, there were remissions, which amounted to about Rs. 35 lakhs, and under charges detected by the audit it amounted to about 13 lakhs. So, by a judicious scrutiny and a little effort on his part he could have saved several crores of rupees. Besides, there are very great amounts held over every year under objections, which are disallowed. Then, there is a considerable amount written off as being irrecoverable. He could have saved crores of rupees in other ways without inconveniencing any passenger. My Honourable friend should agree with the Honourable the Mover of the motion and not increase the rates and fares.

I support the cut motion and hope that the House also will support it and see that the Third class and Inter class passengers are not unnecessarily harassed. The First and Second class passengers have not been touched. The other day, while speaking on the general discussion I pointed out by figures and statistics that there are always increases in fares of Third and Inter class, and there is a decrease in the fares of first class passengers. In view of this, it is very unjust to increase the fares of third and inter class passengers. He says that those who will send their goods in less than a wagon load will be charged two annas a rupee extra, and he has exempted those people who will require a wagon or more. I think he should have done the reverse.

**Mr Umar Ali Shah** (North Madras, Muhammadan). A surplus railway budget has been introduced by the Honourable the Railway Member and there is no real need for him to increase the rates and fares in the N. W. Ry. and E. I. Ry., for a crore of rupees, which is a very low amount in the face of the very large amounts obtained by the railways. A surplus budget means that it is not a joke. During the last two years 46½ crores have been allotted to the general budget. It means this. The general budget is increasing taxation day by day, and there is a moratorium. In spite of the separation convention under which the railway and the general budgets were separated in 1924, a sum of Rs. 62 crores has been remaining in moratorium, as huge as Himalaya. That represents a great tax on India. Is it not a burden on the Indian people and on general tax payers? Is it not an indirect tax? I wish to know what is the difficulty which has induced the Railway Member to increase the rates and fares. Is this a sort of war fund? If so, there are many war funds—the Viceroy's war fund, the Governors' war funds, the Collectors' war funds, the Inspectors' war funds, and Nazarana fund so on, they are famous. The Honourable Member may say that the remission of the surplus to the general budget has prevented the levying of additional taxes. I mean to say that those

[Mr Umar Ali Khan]

are not tongues but magic rods. But I join issue. If fares and rates are increased, it spoils business. People are suffering. Passengers are suffering. This is a critical situation. There are many taxes which are very heavy and they cannot be borne by the ordinary poor people and merchants and cultivators. This is not the time to introduce some new taxes, which have been condemned by several politicians. The next thing is that there are already many taxes, income tax, surplus tax, corporation tax, professional tax, sales tax, excess profits tax and so on and they are falling heavily on the merchants. At this time an increase in rates and fares means more hardship. As a matter of fact, the railway reserve fund has also been increasing. There are 60 crores there already and he is trying to add many more crores to it. It is as futile as clouds raining in ocean. From 1929 to 1934 were famine years and then we had deficit budgets but this is a surplus budget. Unfortunately India has been suffering in so many ways and this increase in rates and fares will mean more hardship. I, therefore, support the motion.

**The Honourable Sir Andrew Clow** The Honourable the Mover who described himself as a long-tailed gentleman swept his tail over a wide field. He swept his tail over the wide field of general finance. He described a large number of 'parasites' who I gather are battenning on the North Railways. If I could discover them I should be very glad to get rid of them. But his 'parasites' fell roughly into three groups. The first is the fact that certain lines are working at a loss. He referred first to the worked-lines. That is a very small item, much smaller, I think, than he believed because the actual loss, even on the lines themselves, is of the order of roughly 40 lakhs and if you take the main line traffic to which they contribute, the figure reduces itself to small dimensions. His main complaint here was that there was a loss of three crores on certain of our main lines. Some lines consistently work at a profit such as the East Indian and some lines nearly always worked at a loss such as the Eastern Bengal but, surely, that is not a question of parasitism. The only way to remedy that would be by adjustment of freights and fares and wages on the losing lines so as to yield more money to the exchequer and by surrendering money on the other lines. Mr Abdul Ghani raised quite a relevant point when he pointed out that the rates and fares on the Bengal and North Western Railway were much lower than on other lines and asked whether, discovering this fact, I would put them up to the proper level next year. One important factor which I think, has been prominently present to public opinion, when it formed its conclusion on the subject of that railway, is that in several respects that railway has different standards from those prevailing on the lines that we own.

**Mr. N. M. Joshi** (Nominated Non-Official) Wages

**The Honourable Sir Andrew Clow** Their wages, for example, as Mr Joshi points out, are on a distinctly lower level and I have heard a general complaint that the amenities which they provide are also on a lower level. Now, it is obviously quite arguable that you should treat the Railways as separate entities and that you should adjust your wages and rates and fares without any regard to the rest of India or that you should pursue, as we do pursue, a policy of what I might call discriminating uniformity.

**Dr. P. N. Banerjee** (Calcutta Suburbs Non-Mulammadan Urban). What is the meaning of that phrase?

**The Honourable Sir Andrew Clow** You have the same problem in the Post Office. You carry a letter all over India at a uniform rate. We do not charge any less for a local letter, let us say, in Madras than we do in the Punjab. I think on the whole it is better that we build up a moderately united railway system in India and that we should not adjust our freight levels too closely to the actual financial position of the individual railway. Wages also, I think, show over the whole a greater uniformity than wages in private employment, so that I am afraid I cannot find any parasite there. If I remove the parasite from one side of the body corporate, it will have to reappear on another. There is no gain to be secured in that direction.

Then the second criticism he made, related to adjustments between revenue and capital. Mr Jammadas Mehta's general complaint being that we were putting to revenue what ought to be put to capital. Surely that can hardly be described as parasitism. By attaching different labels to different items of expenditure and putting them into different boxes, I do not get rid of them and I cannot save the money. It is merely a question of how much I put on the railway traveller today and how much I put on the railway traveller tomorrow. The present adjustment which has the support of the financial experts who advise me is on the whole sound.

His third group of parasites consisted, I think, of the Honourable Finance Member and he said that he did not object to one per cent being given but he objected to anything above that. I hope, if we are successful, he will have an opportunity of arguing that point next year but I suggest that it hardly arises at present, because at present I am giving the Honourable Finance Member nothing but one per cent and the arrears of one per cent of previous years.

**Dr P N Banerjee** Advance payment

**The Honourable Sir Andrew Clow** If we get anything that could be treated as an advance payment I should regard it myself as very fortunate and the Assembly will have an opportunity of pronouncing on that matter before the next financial year closes.

I know Honourable Members are anxious to get on to another Grant and I do not want to occupy the time of the House unduly. Mr Lalchand Navalsrai went into various details about the dismantling of lines which I think has very small relevance in this connection. He asked whether I had a guarantee that there will be no more taxation? I am not going to say anything about the speech to be delivered on Saturday but I will only say that I can guarantee this, that if the railways were not contributing what they are, the level of taxation will be higher today than it is.

Then Mr Neogy raised the big question of rates policy. He accused us of inconsistency on the ground that we had put up the rates on the ground of adversity, and now we are doing it on the ground of prosperity. I do not think any one ever put them up on the ground of adversity. We put them up on the ground of necessity in times of adversity and we had put them up because our predecessors had failed to put them up in times of prosperity. I am anxious to prevent a repetition of that.

Mr Neogy, again, asked whether the so called prosperity of the Railway Department is reflected in the prosperity of the people at large. We say it is just the other way. The prosperity of the people at large is reflected

[Sir Andrew Clow]

in the prosperity of the Railway Department and there is certainly more money in the country now to be spent. Otherwise our passenger traffic would not have gone up in the way it has done.

**An Honourable Member** Because of apprehension

**The Honourable Sir Andrew Clow:** Our passenger traffic has gone up in parts of the country, where they have no reason for apprehension at all. It went up long before the Japanese appeared to be entering the war. Prices in many directions have gone up. Wheat is now fetching double what it did before the war. Where is the extra money going to? His Majesty's Government are putting large sums of money into the country and that percolates down. What is it being spent on? Some of it is being spent undoubtedly on travel that passengers could not afford before the war. Sir, I oppose the motion.

**Mr President** (The Honourable Sir Abdur Rahim) The question is—

'That the demand under the head 'Railway Board be reduced by Rs 100'

The Assembly divided

AYES—28

Abdoola Haroon, Seth Haji Sir  
Abdul Ghani, Maulvi Muhammad  
Abdullah, Mr H M  
Azhar Ali, Mr Muhammad  
Banerjee, Di P N  
Chattopadhyaya, Mr Amarendra  
Nath  
Dam, Mr Ananga Mohan  
Datta, Mr Akhil Chandra  
Deshmukh, Mr Govind V  
Essak Sait, Mr H A Sathar II  
Fazli Haq Piracha, Khan Bahadur  
Shaikh  
Ghiasuddin, Mr M  
Ghulam Bhik Nairang, Syed  
Gidney, Lieut Colonel Sir Henry

Joshi, Mr N M  
Lakshad Navalrai, Mr  
Laljee, Mr Huseenbhai Abdullabhai  
Liaquat Ali Khan, Nawabzada  
Muhammad  
Maitra Paudit Lakshmi Kanta  
Mohr Shah, Nawab Sahibzada Sir  
David Muhammad  
Mehta, Mr Jannadas M  
Muhammad Ahmad Kazmi, Qazi  
Neogy, Mr K C  
Parma Nand, Bhai  
Raza Ali, Sir Syed  
Siddique Ali Khan, Nawab  
Sivaram, Rao Sahib N  
Umar Aliy Shah, Mr

NOES—36

Abdul Hamid Khan Bahadur Sir  
Ahmad Nawaz Khan, Major Nawab  
Sir  
Aiyar, Mr T S Sankara  
Aney, The Honourable Mr M S  
Bewoor, Sir Gurunath  
Bhandaikar, Mr K Y  
Caroe, Mr O K  
Clow, The Honourable Sir Andrew  
Daga, Seth Sunderlal  
Dalal Dr Sir Ratnaji  
Deheja, Mr V T  
Dumasta, Mr N M  
Gopalaswami, Mr R A  
Griffiths, Mr P J  
Gwill Mr E L C  
Ikramullah, Mr Muhammad  
Imam, Mr Sayyid Haider  
Ismael Ali Khan, Kunwar Hajee  
James, Sir F E

Jawahar Singh, Sardar Bahadur  
Sardar Sir  
Khurshid, Mr M  
Lawson, Mr C P  
Maxwell, The Honourable Sir  
Reginald  
Miller, Mr C C  
Mody, The Honourable Sir Homi  
Muazzam Sahib Bahadur, Mr  
Muhammad  
Mudaliar, The Honourable Diwan  
Bahadur Sir A Ramaswami  
Pillay Mr T S S  
Raisman The Honourable Sir Jersey  
Raper, Mr J H F  
Richardson, Sir Henry  
Sarker, The Honourable Mr N R  
Scott, Mr J Ramsay  
Spence, Sir George  
Sultan Ahmed, The Honourable Sir  
Thakur Singh, Captain

The motion was negatived



*"Priority" and Public Supply of Wagons*

**Mr K. O. Neogy:** Sir, I move

"That the demand under the head 'Railway Board' be reduced by Rs 100 "

The question that I seek to raise in this motion relates to the operation of the scheme under which certain priorities are given to the supply of wagons for the movement of coal. A general grievance has been voiced more than once in this House in regard to the difficulties that have been caused to the trade and the consuming public generally due to wagon shortage.

Now, Sir, in the present instance I desire to confine myself to the question of wagon supply for the coal trade. The importance of the coal trade in terms of total freight ton miles was stressed by the Chief Commissioner, Railways while presenting the Railway Budget in the other House. The Chief Commissioner stated thus:

"The movement of coal has accounted for about 40 per cent of the total freight ton miles in the past year."

So, I should like to remind the House of the importance of this question, although it relates only to one commodity. Later on the Chief Commissioner limited his remarks to coal from the Bengal and Bihar fields. He gave certain statistics from which it appears that during the twelve months up to the end of December, 1941, 1,075,000 wagons of coal were hauled, which would give us an average of about 3,000 wagons a day. In regard to the allotment of these wagons, there is a normal system of priority in existence for the last several years for the benefit of coal needed for shipment, for consumption in the locomotives, government requirements, steel companies and public utility concerns such as waterworks, electricity supply, etc. This priority system was brought into operation as a result of an agreement with the trade, and we have no complaint in regard to the working of the scheme in so far as this priority is concerned. Now, Sir, this normal priority, if I may call it by that term, takes up about 65½ per cent or nearly two-thirds of the wagons loaded. This we get from the speech of the Chief Commissioner himself. Therefore we are concerned with the remaining one third of the wagons that are available for the movement of coal in the Bengal and Bihar fields. These wagons, the number being 371,000, would be available for what is called the public supply, public supply representing the supply not represented by what I call the normal priority supply. This figure gives us about an average figure of one thousand wagons a day. In the months of November and December, out of this number of wagons, as many as 6,900 were allowed for special priority, that was brought into operation, called war priority, apart from the normal priority to which I referred. Now, this works out to an average of 110 wagons per day so far as these two months are concerned—November and December last. These wagons were allotted for meeting what can be called the war priority orders, to different factories. And, when we take off this figure from the total available for the public supply, the public supply would be left with about 890 or so wagons per day. I may pause here for a moment and say that up to the end of December, these allotments were made in consultation with a Committee called the Coal Wagons Committee on which the coal trade as well as the Railways were adequately represented. This body has got the Chief Mining Engineer of the Railway Board as its Chairman. So far as the working of the scheme down to the end of December is concerned, I have nothing very much to say by way of complaint.

[Mr K C Neogy]

Now, when we come to January, the first part of January was worked under the normal system. In the middle of January, the two General Managers, namely, of the East Indian Railway and the Bengal Nagpur Railway, issued a joint circular stopping all public supplies on five days in the week and earmarking Wednesday and Sunday for public supplies, but it being understood that war priority supplies would also be allowed on Wednesdays and Sundays in addition to public supplies. Now, Sir, this was done without any previous reference to the Committee to which I have referred, namely, the Coal Wagons Supply Committee, and it led to a very curious result. The intention, I take it, was to secure adequate supply of wagons for the very urgent needs of the Supply Department. But, I have been supplied with certain figures which go to show that the immediate result was astonishing. The scheme came into operation on the 19th January—of course, here I speak subject to correction, and I request my Honourable friend to institute an enquiry as regards the accuracy of the figures—on that very day, there were 2,000 wagons standing idle at the various coal yards between the two railways. If I may give the figures separately, 705 wagons were left idle on the East Indian Railway and as many as 1,483 on the Bengal Nagpur section. When you come to the next day, 20th January, the total is 1,159 wagons. But remember this was also the day on which "public" supply was entitled to certain wagons. But between the two railways the average left in the coal yards was as many as 1,159 wagons. On the 21st January, the total number of wagons thus standing idle was 1,500, on the 22nd January the number was 1,000, on the 23rd January the number was 900, between the two railways. Now, Sir, it does not seem to me from these figures that there was any urgency for the earmarking of these wagons for special priority orders on these two railways, depriving the public supply of its just dues. I understand the Chief Mining Engineer, Railway Board, exercises certain powers under the Defence of India Rules for the purpose of allotting war priority wagons. I speak again subject to correction. The general impression is that there is a great deal of laxity in regard to the administration of this matter. Trade has been clamouring because it cannot get the wagons it needs and the action taken by the Railway authorities is sought to be justified on the ground of the urgency of the war needs. But if the figures I have given the House are at all correct, I think the case needs a very thorough examination at the hands of my Honourable friends, Mr Raper as well as the Honourable Member in charge of Railways. I understand that since complaints were made about this extraordinary state of affairs, steps were taken to reduce the number of idle wagons with the result that now there is hardly any wagon available for public supply at all. The complaint had this amazing result. While we had between 2,000 and 900 wagons per day left idle on these various dates that I have mentioned, the result of the complaint was that very little was left for public supply.

**An Honourable Member** Where were these wagons taken?

**Mr K. C. Neogy** They were utilised somewhere. But the point is that the special priority sanctions were given on a very liberal scale. The result is that several industries not excluding very important concerns are suffering from an acute shortage of coal all over the country.

There were complaints from places in Bombay and there have been complaints from other places as well. And we know it to our cost—the consumers of domestic fuel,—that the supply of coke has gone down very much and the price also has a tendency to rise considerably higher than before. I understand, Sir, that the Chief Mining Engineer has made a further sub-classification of the priority sanctions, thus virtually re-introducing a system which was called a special indent system several years ago, just perhaps at the close of the last war and which was condemned by the Noyce Committee. In my speech on the Railway Budget I briefly referred to the complaint that was voiced in regard to this matter by the coal trade.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member has two minutes more.

**Mr K O Neogy** I will not take long Sir. I understand that the telegrams that have been received by me on this subject were addressed to the authorities of the Railway Board. I very much hope that the authorities of the Railway Board will bring about a better understanding and better co-operation between the Coal Wagon Supply Committee and the railways. And if for any particular reason it is not possible to have all these questions of sanction discussed beforehand by the Committee, I suggest that even a post mortem examination of the sanctions should be allowed to be made by this Committee, so that they may understand the real position and their grievances may be removed by any representation that they may make on the basis of the information which they may get in the Committee.

Now, Sir, there is just one point which I should like to refer to in this connection. We have seen some posters, some of them of a rather comical character, advising everybody concerned to keep the wagons moving. I remember to have seen one cartoon in which a gentleman who was in a very great hurry and of a dishevelled appearance (his appearance being not very dissimilar to that of some of the Honourable Members sitting on the Treasury Benches) with his umbrella blown off, just indicating that he was in a very great hurry because he had to move a wagon. I wish the Railway Department itself were to set an example in regard to the movement of wagons, because in reply to a question which I asked yesterday my Honourable friend, the Member in charge, gave me certain figures from which I find that, taking into account the difference in the cost price of coal raised from the State-owned collieries and the price at which coal is available from the market, as well as the freight that has got to be paid in regard to both these kinds of coal. There is a distinct advantage of about Rs. 1·2 in favour of private coal if that were to be supplied to the Eastern Bengal Railway. But what we find is that 75,000 tons of coal are expected to be supplied next year to the Eastern Bengal Railway from the State-owned collieries, representing not merely a difference of Rs. 1·20 in favour of private coal but also a difference, as regards distance of 60 miles, against Railway collieries.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member's time is up.

**Mr. K O Neogy** Here is a case which shows that so far as they themselves are concerned, the Railway authorities are not very much

[Mr K C Neogy]

worried about distances or the haulage of the wagons, because in this particular instance they much rather allow the wagons to travel 60 extra miles than allow the coal to be purchased from the market even at a lower cost of Rs 1-2-0 per ton Sir, I move

**Mr President** (The Honourable Sir Abdur Rahnn) Cut motion moved

'That the demand under the head 'Railway Board' be reduced by Rs 100'

**Mr J H F Raper** Sir, my Honourable friend, Mr Neogy, has raised a matter which is obviously of very great importance, —the supply of coal and the difficulties now attendant to it. He has referred to the priority system that was working satisfactorily until towards the end of last year, that was a system introduced, as he says, by agreement with the coal trade, and the system was worked by a Committee,—the Coal Wagon Supply Committee,—who had two functions only. Their function was, firstly, in deciding what should be the basis of individual colliery, that is to say, how many wagons would be supplied to that colliery as a maximum, and secondly to admit to the priority lists concerns which they felt had a right to be admitted to such lists. Those lists were certain lists connected with public utility and were not lists in which ordinary public coal would be included. He referred to the deterioration of the position in November and December. Actually we had discussed it earlier than that and were very anxious because a certain number of firms engaged on war production were not receiving the coal in sufficient quantities. The matter was, therefore, very carefully considered in consultation with the Supply Department and it was decided as a temporary measure that a war priority list should be introduced, admission to which would be on the recommendation of the Supply Department. It was recognised at that time that it was in the interest of the public users of coal that that list should be kept as low as possible, and every effort was made to keep it as low as possible. The list was operated by the Chief Mining Engineer and checks were made by the Transport Advisory Officer in Calcutta,—an officer of the Railway Board,—to see that stocks on hand, etc. were correctly given so that there would be no excessive supply of coal on that list. According to that list it was further arranged that only when the stocks on hand of an individual concern engaged appreciably on war work fell below 20 days, a priority supply would be given. This list has gradually grown. It remained a fairly short list up to about half way through January, and then occurred, as Mr Neogy has stated, a very great change in the position. The operation of my priority list at that time depended entirely upon collieries making a request for an allotment of wagons on priority, and in the middle of January the demands for wagons made by collieries on priority dropped very greatly and it was at once appreciated that unless some steps were taken to increase the quantity of coal despatched on priority, many firms, including the Railways, would go short. The Railways in fact did go short and I think the House will be aware that there have been advertisements in papers that certain train services have had to be curtailed on account of the shortage of coal.

As I say, this priority list depended upon collieries themselves applying for wagons for priority and they failed to do so. The reason, we believe, is that there was a labour shortage. During January statistics show that the

labour working in the collieries does drop. The labour goes to the fields for work. This year the exodus was in greater proportion and lasted longer and we believe it to be a fact that there was insufficient labour left in the collieries to supply coal in full even for priority. Mr Neogy has referred to a number of wagons being left in the coal field standing idle. That again is quite true. Wagons are not supplied unless they are asked for and on this occasion they were not asked for by the collieries. This position continued for some days and, before that and since, we have been endeavouring to supply as many wagons as we could for coal. If you had a hiatus where wagons are not asked for and coal is not loaded, obviously stocks everywhere are likely to drop and we have found it quite impossible to build up those stocks. There is a limit to the number of wagons that can be loaded daily with coal in the collieries on the East Indian and on the Bengal Nagpur Railways. We are not actually supplying wagons right up to that limit because we have not been able to owing to very heavy traffic of an essential character.

Mr Neogy then referred to the action taken by these two Railways to stop public coal on five days of a week and supply it only on two. Well, this actually is only a return to the arrangements that were in force earlier in the financial year. In October, for example, it was arranged that the Loco coal would not be despatched on two days in a week so as to increase public loading. At that time there were very few wagons available for public coal and our taking for Railways coal for five days in a week only increased the allotment on the other two days. Certain collieries preferred to have public allotments on one or two days in a week because it enables all collieries then to get a share of them. But owing, unfortunately, to the period when coal was not being despatched, stocks have as I have said, deteriorated and many of the industries engaged on war work are now demanding coal on priority because their stocks have dropped and so the number of wagons required daily for industries engaged on war work is extremely high. This is not due to the shortage of wagons entirely. If we could supply more wagons of course the position would be improved. We are trying to do so and quite recently steps have been taken which we hope will improve the coal loading position.

Mr Neogy likewise referred to the Chief Mining Engineer making a further sub-classification and that the position is really getting back to the position in 1927 when there was a Coal Transportation Officer. He is not quite correct. What the Chief Mining Engineer is doing is trying to arrange to supply coal for the most important of the firms on the priority lists. I have said there are not sufficient wagons for them all and, therefore, it is necessary to determine which of those firms should get it first, i.e., those with lowest stocks. So it is really only a rearrangement of the priority lists within themselves that he is arranging. That I think, is a correct function of his. He is doing it in consultation not only with the Railways but with, I understand, the Coal Trade Associations and also with the officials such as the Director General of Munitions Production who is very naturally greatly interested in maintaining the supply of coal to his factories.

Lastly, Mr Neogy referred to the supply of coal for the Eastern Bengal Railway from our own collieries. The reason for this lies in the fact that supplies of empties come from different directions and if, for example, all the empty wagons that are released in Calcutta are worked back to the coal fields and are all utilised and yet they are not sufficient

[Mr J H F Raper]

to include supply of coal to the Eastern Bengal Railway from such collieries, it naturally follows that it would be a correct procedure to utilize the returning wagons from the North which are passing the Railway collieries and require to go on to the East. That in fact is the reason, why we have utilized or we are utilizing coal from our own collieries. It depends entirely upon the direction from which you draw your supply of wagons.

Now that I have given this explanation, Sir, I would ask that the Honorable the Member would consider withdrawing his current motion.

**Mr K C Neogy** Sir, I expressed the hope that it would be possible for the authorities of the Railway Board to have all these matters examined by the Wagon Supply Committee. I have not got any reply on that point.

**The Honourable Sir Andrew Clow** I think that would take that Committee considerably beyond its function. These matters have been done with the cognizance of the Railway Board. I think Mr Raper has given a reasonable explanation of facts which Mr Neogy set out and which undoubtedly are at first sight perplexing.

**Dr P N Banerjee** Sir, I have listened with great attention to the reply which has been given by the Honorable Mr Raper. But I am not sure does he mean to say that the Indian colliery owners have no grievances at all with regard to wagon supply, and has he not received representations from the Indian Mining Federation which represents the Indian colliery owners? A copy of the telegram which was sent to the Railway Board was sent to me and for the information of the member of this House I wish to read it out. This telegram runs thus:

Federation draws Board's immediate attention to serious coal wagon position. Public supply practically nil even Sundays/Wednesdays due to the heavy allotment priority wagon everyday. Large number of collieries will consequently close down creating unfavourable labour conditions resulting in considerable curtailment of coal output which is most undesirable in present war conditions. Federation strongly urges Board to place quickly sanctioned war priority list before Coal Wagon Supply Committee for information. Federation apprehends war priorities being issued too freely which could be sufficiently reduced."

In view of the present difficulties and the apprehension with regard to the future difficulties I would request the Honorable Communications Member to give his best attention to this question and to remove the hardships which are being felt not only by the coal industry but by all industries which depend upon coal supply for their fuel and also the private consumers of coal.

**Mr J H F Raper** What is the date of that telegram, may I ask?

**Dr P N Banerjee** It is the 17th February.

**Mr J H F Raper** I had said that we had taken steps which we hope will improve the position. Those steps were taken subsequently to that date.

**Mr K C Neogy** Do I take it that the Government are not in a position to allow the coal trade even to have an informal discussion which might clear up some of their doubts in this matter?

**The Honourable Sir Andrew Clow** I do not think there should be any difficulty about that. The Railway Board, as the Honourable Member is aware, have periodical discussions with the three coal producing associations on all matters affecting the coal trade. Sir Henry Richardson could undoubtedly enlarge on this if we could induce him to rise in his seat.

**Mr K C Neogy** Not with regard to this particular matter.

**Sir Henry Richardson** (Nominated Non Official) Sir, in response to the Railway Member's invitation to me to rise in my seat, I have been thinking since other gentlemen have spoken, that I might take this opportunity of clearing up some misunderstanding that evidently has arisen regarding a remark I made in my speech the other day and which is alluded to this very subject of wagon shortage and wagon allotment. I do not know how it is but it is a fact that in certain cases it has come to our notice that offers of coal have been made with guaranteed delivery and the coal is being sold under these circumstances at a very high price. I admit that there is very great difficulty in wagon allotment on the part of the railways, and I know that industries who are engaged in war supplies must receive priority, but how is it that this happens? I referred the other day to the use of palm oil, and I was very sorry to see that my friends in the press even did not understand what palm oil I was referring to—they have literally taken me as meaning that palm oil was a thing to be used by the railways! The Honourable Member and the House knew perfectly well what I meant—if they want me to say so bluntly, it was bribery . . .

**The Honourable Sir Homi Mody** (Supply Member) Palm oil is an oil for etching palms!

**Sir Henry Richardson** The Honourable Member in his reply to me said that it was hardly likely that those people who were accepting bribes would come forward and give the necessary information. I rather feel that that presupposes that all the people in the Railway Board and the railways from the Honourable Member downwards were in the habit of doing this thing. I should hate to think that—in fact I do not believe it, and of course my intention was in drawing this particular habit and this very bad practice to the notice of the Honourable Member to induce him to try and investigate it from his angle. I say that it should not be necessary for him to say to us "You tell us who does this." He has got means in his own hands of finding out, as we do in our own offices and businesses, who is responsible for this. It can be done and it is a practice. I think, that does require very serious looking into. The illustration I have quoted of people who are able to quote for coal supplies with guaranteed delivery in my opinion, proves that this thing is happening and it affects my Honourable friends' supplies here just as much as it affects his supplies on account of defence and the war effort. I say that this is a matter which should be looked into.

In regard to the Honourable Member's remark that questions were discussed between the various coal associations and the Government, that is so, and I admit it and it is a very useful discussion and we are very grateful for it but these are abnormal times, and I think that anything that comes up in regard to wagon shortage should not wait for a formal discussion such as this, but should have immediate investigation, and even if it is post mortem examination after the event, I surely think that it

[Sir Henry Richardson]

would do some good if it was examined in the manner advocated by my friend and would lead possibly afterwards to a rectification of these mistakes and make for better working, which we all want to do

**The Honourable Sir Andrew Clow** Sir, we have had a disquisition on palm oil which has not I am sure, much relevance in this connection. I do not accept the Honourable Member's dictum that the fact that people can supply public coal with a guarantee is at all proof that it is being achieved through corruption. We have been going on supplying wagons for public coal and obviously certain persons ought to be in a position to be virtually certain about delivery. I would not accuse every colliery owner who advertises in that fashion of corruption.

**Sir Henry Richardson** Not the colliery owners. Coal dealers.

**The Honourable Sir Andrew Clow** Or the coal dealers or even the contracting firms.

But I would say as regards the general suggestion that things can be done on the railway by corruption, quite honestly that it is not possible, unless one is given facts to go upon to prove corruption. There are only two parties to this kind of transaction and if they both keep the facts to themselves, as they have every inducement to do, we cannot get at them. Unless one of them is prepared to give out either that he has given a bribe or that a bribe has been demanded from him, which is a great deal easier, it is not possible for the Railway administration simply to say to a man "Now I suspect corruption and you will have to prove that you are not guilty." And so I would ask for the co-operation of dealers and of every one concerned in producing even circumstantial evidence of the fact.

**Dr P N Banerjee** Provided you agree to order an investigation.

**The Honourable Sir Andrew Clow** I am quite prepared to agree if concrete facts are placed before me. I think every General Manager would do that at once if concrete allegations are made. But we constantly ask for them, and we very seldom get them.

Then Professor Banerjee, and, I think Mr Neogy made the same suggestion that if a list of war priorities could be made and placed before the Coal Wagons Supply Committee for information, it would help matters. I will certainly consider that in consultation with my Honourable Colleague the Supply Member. If there are any further questions on which Honourable Members feel further discussion would be useful and would bring them up, the Railway Board would be very glad to discuss the matter and examine any further points. I hope that will satisfy the Honourable Member who has moved this entire motion.

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That the demand under the head 'Railway Board' be reduced by Rs 100."

The motion was negatived.

**Mr. President** (The Honourable Sir Abdur Rahim) I do not think there is time now for discussing any other motion.



**Mr Jamnadas M. Mehta** Sir, our Party has one more

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member has got only four minutes

**Mr Jamnadas M. Mehta** But I shall move the motion within four minutes

**Mr President** (The Honourable Sir Abdur Rahim) That can serve no purpose

**Mr Jamnadas M. Mehta** Sir, I beg to move

**Mr President** (The Honourable Sir Abdur Rahim) I cannot allow the Honourable Member to move any other cut motion now, because there can be no division or discussion on it

**Mr Jamnadas M. Mehta** But that takes away the time of my Party

**The Honourable Mr M. S. Aney** (Member for Indians Overseas) He may ventilate the grievances

**Mr President** (The Honourable Sir Abdur Rahim) The grievance is there in print on the paper

**Mr Jamnadas M. Mehta** The whole of this Assembly itself is a grievance on paper. There is nothing in that point of argument

**Mr President** (The Honourable Sir Abdur Rahim) I cannot allow this motion to be moved, because it cannot be discussed

**Mr Jamnadas M. Mehta** Sometimes things are done in a minute

**Mr President** (The Honourable Sir Abdur Rahim) Order, order. The Assembly is adjourned till 2.30 P.M.

The Assembly then adjourned for Lunch till Half Past Two of the Clock

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr Deputy President (Mr Akhil Chandra Datta), in the Chair

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*Transport Needs of the Country and Railway Administration*

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non Official) I beg to move

"That the demand under the head 'Railway Board' be reduced by Rs 100"

Sir, the position which faces the country today in the matter of transport facilities appears to be very serious indeed. Within a year of the declaration of the war, and even when war was thousands of miles away, the transport problem in India became very acute, although our work in India was then confined only to the transport of supplies to the various munitions factories, transport of munitions so manufactured to the sea ports and the transport of troops in one direction. I should imagine that a Railway administration, which has been in existence for nearly a century,

[Sir Henry Gidney]

would be elastic enough to meet this demand without detriment to the ordinary needs of the country. The absence of even this degree of elasticity in the capacity of our Railway system is a matter of great regret and graver concern. Obviously those responsible for Railway administration have never appreciated this need. During the period of depression when the Railway Board suffered from a complete absence of forethought, in their anxiety to maintain the top heavy administration on the one hand, and on the other, to balance the budget, the Government ruthlessly reduced the orders for the replacement of locomotives, wagons, etc., and even after the period of depression was over, no attempt was made to remedy the position. Such surpluses as were obtained in subsequent years were only devoted to the liquidation of previous withdrawals from the Depreciation Fund and to show the capacity of railways to contribute to the general revenues. From 1936-37 onwards Indian Railways as a whole were in a position to earn a profit. I do not know how far the Government anticipated the need of, and provided for, the elasticity in the capacity of Indian Railways to meet any emergencies in the traffic problem. As a matter of fact, a very large number of the available wagons in the various railways have been commandeered leaving a small percentage for the use of individual railways to meet the needs of the public. "Keep wagons moving", say railway advertisements, but I would ask, where are the wagons? The deficiency in wagons was felt as early as the beginning of 1941 to the extent of affecting even such necessary commodities as coal and food stuffs. I am not a business man myself and so I cannot speak from personal experience of the difficulties in this direction, but I have had sufficient information in this regard from businessmen to realise the seriousness of the position. Even when the emergency had not directly affected India that is, prior to the declaration of war by Japan, the position was grave enough. There are no doubt workshops in this country which build wagons, but many of the important spares have still to come from abroad and I do not know the number of wagons which the railways have been able to build in order to meet the present emergency.

The gravest aspect of this matter, however, is the perilous position which faces us in the matter of the supply of locomotives for which we have even today to depend on countries abroad. The Bombay, Baroda and Central India Railway workshops, I believe, are building 100 locomotives for abroad and not for India. I would like to ask if this is true. The old engines and such of the few new ones which, perhaps, the Honourable Member has been able to secure since the declaration of the war are being put to such intensive use that they will require constant attention by the sheds and depreciation will necessarily be at a more rapid rate than in normal times. I would, therefore beg of the Honourable the Railway Member, even at this stage, to allocate a substantial portion of his surplus for the purpose of erecting a factory for the manufacture of locomotives and other spares for wagons in this country, even as America has been able to provide for China. Look at what Australia has done in this direction since 1935? Why should India be the only nation left out and why should there be this complete absence of major industrial development?

The passenger traffic is another grave problem and it will become graver and graver as time goes on, and yet, we still witness Members of the Executive Council, Railway Board and Railway Officials unflinchingly using their

saloons for all their journeys. This must be stopped. Indeed I would go so far as to say that special saloons for even Heads of Departments ought to be done away with, at least during the period of emergency. I had occasion once to suggest what I would call a "picking up system", *e.g.*, one saloon to pick up Agents of the three railways which have their terminus in Calcutta, one saloon for the Agents of the two Railways which terminate at Madras, one saloon for the Agents of the two Railways in Bombay, and so on. In this way a considerable amount of economy can be secured. Sir, something has to be done and done early, especially today when sections of the vast population of the country may have to be evacuated from danger zones to avoid congestion, impeding the free movement of troops and mechanised units.

I shall now deal with increase in staff. Side by side with the question of the provision of locomotives, wagons and carriages, there is also the need for the increase in the staff which was ruthlessly cut down during the period of depression. I was glad to hear the Honourable Member say that he has already issued orders for the engagement of additional staff. Obviously he had been aware of the position, and despite what he said against the practice of bringing cases to his notice, the practice seems to have had some effect of opening his eyes to the need for the increase of staff. The surprise he has sprung on us that he has already issued orders three weeks before the presentation of the Railway Budget is a pleasant one indeed.

**The Honourable Sir Andrew Clow** I do not want to take credit where credit is not due. May I say that that was due to the Railway Board?

**Leut.-Colonel Sir Henry Gidney** I understood you were the head of the Railway Board *etc.*, controlled it.

**The Honourable Sir Andrew Clow** No, not even a Member of it.

**Leut.-Colonel Sir Henry Gidney** So the Member is only a controlling Member but not a Member of the Railway Board. He is like the army officer who is not a soldier but is an officer. Anyhow, I do hope that these and other orders he may issue for the amelioration of the lot of those dumb subordinates will be acted upon by the various Railways. I say this advisedly, for he may issue orders the General Manager may also communicate these orders to the Heads of his Departments and they issue orders to these Divisional Superintendents and they in their turn to their junior officers and so on to the Senior Subordinate. This devolution of power is satisfactory as far as it goes. But what machinery has the Honourable Member provided to ensure that those original orders of his are being given full effect? The junior officials generally take them as a matter of routine—as efforts on the part of the Honourable Member to satisfy the clamour of M.L.As. Sir, subject to this provision being made, I am glad to learn of the anticipatory action taken in this regard by the Honourable Member, even at this stage. I think it was Sir John Simon who said,

"It is not sufficient to issue orders. It is more commensurate with good Government to see these orders carried out."

Next comes the question of the conditions under which the men have to work, and which have an equally important bearing on the transport problem. With the utmost desire to co-operate with the administration,

[Sir Henry Gidney]

if the conditions of service are beyond human endurance, particularly in the case of the running staff, it would inevitably result in disastrous consequences. I shall briefly refer to some of them which I feel need the Honourable Member's early attention.

I have already supplied to the Member of the Railway Board, Mr Raper, a statement showing the detailed working hours of a certain driver, which I hope he will study carefully.

In the course of my speech during the general discussion of the Railway Budget, I promised to bring to the notice of the Honourable Member certain concrete cases in respect of "under rest". Before I do so, I want the Honourable Member to assure me and to give an undertaking that that assurance would be carried into effect and will not be violated even in an indirect manner by any junior or senior Railway official, *i.e.*, that the employee concerned, *i.e.*, who gave me this information will not be victimised. That is the constant fear of subordinates to expose anything. However much we may gain by exposures here, the employee is victimised as a result and the remedy is it times worse than the disease. I ask for a definite assurance from the Honourable Member when he rises to speak.

I believe it was in 1931 that the Railway Servants' hours of employment rules were framed, but it was then decided to exclude the running staff from the operation of those rules. This must have been due to the fact that the Railways have always lacked the necessary leave reserve of running staff and they, therefore, were compelled to reserve for themselves the right to impose long hours of duty, wholly out of proportion to the prescribed hours of employment.

Now, if there is one section of employees who deserve greater consideration in the matter of rest than others, it is the running staff and more particularly the man on the foot plate. On his alertness, on his health, on his unabating watchfulness depends the lives of the hundreds of passengers who travel in the trains and, yet, the Railway Board specifically excluded these men *alone* from the operation of the 60 hour week.

I am aware of the fact that even then Col Wagstaff was good enough to draw up a memorandum in regard to the running staff wherein he advocated that the Railway Administrations should so regulate the employment of running staff that they could enjoy in a calendar month four periods of rest of not less than 24 consecutive hours each for five periods of rest of not less than 20 to 22 hours each. I have before me a "work and rest" statement of a Driver of a Railway prepared for a period of ten weeks. He was on duty during these ten weeks for 791 hours or 79 hours every week. I have purposely taken first one or two weeks of rush work during the emergency. If I were so inclined I might have given the House the typical case of a driver who was actually on duty for 101 hours in seven days, that is, an average of 14½ hours a day.

The other day I referred to a rule which empowered the Railway to demand 16 hours duty from the running staff. For the information of the Honourable Member I now quote from an official letter from a General Manager. He says "It is, no doubt provided in the rules that Guards and Drivers may claim rest *en route*, but only after 16 hours continuous duty with a train, a statement, which the Honourable Member himself has

since continued. I may add here there is no qualifying remarks that this would be insisted on only when there is a breakdown or only in an emergency. The only point it is intended to convey by this provision is that the man cannot claim rest until he has worked *16 hours continuously*. In my case, this means that unless a Driver has been on duty for 16 hours continuously he may not claim rest, even if he feels the need for such rest. The inhumanity of this need is only to be mentioned to be realised.

**Mr Deputy President** (Mr Akhil Chandra Datta) The Honourable Member has only two minutes more.

**Lieut.-Colonel Sir Henry Gidney** In the case I have just quoted out of the 70 days, the Driver had to work for over 14 hours continuously on 26 occasions and for over 16 hours up to a maximum of 21 hours 53 minutes continuously on ten occasions. I hope it is not suggested that on ten days in ten weeks there were breakdowns. And this statement refers only to one Driver. I would, therefore, assure the Honourable Member that the position is not as he believes it to be.

Now, I suppose if the Driver has a break of even an hour between two shifts this provisional clause will not come into operation. I would again like to give a case in point. On a certain run on the North-Western Railway a passenger Driver is called to duty at 18.55 hours. He takes a train to its destination by 2.55, that is, in eight hours (scheduled time). The actual time taken might be anything up to ten hours. He is required to take another train at 3.25, that is, after 30 minutes and he comes back to the home station at 11.30 on the next day, again not allowing for delays *en route*. The ruling regarding 16 hours continuous duty would not strictly be applicable to this man, because, there has been a break of *half an hour*. In the phraseology of the Divisional Officers 'the rules permit his being booked out'. That is the only thing that seems to matter to the officials.

I know of a case where disciplinary action was taken against a driver merely because he claimed rest out of sheer exhaustion and also because he was not at home and ready for duty when he was 'off duty'.

The Honourable Member will tell me that there is provision to the effect that a Driver is entitled to eight hours rest at out stations and 12 hours rest at home stations. This rule, I may say, is honoured more in the breach than in its observance. But even this rule does not say after how many hours of duty he is entitled to this rest. In the interests of the men affected, I ask, has the Railway Board ever examined the work and rest statement of drivers to see whether this provision is fully observed? On the other hand, as I pointed out over ten weeks a driver has had to work on an average for 80 hours per week and sometimes more out of a total of  $7 \times 24$ —or 168 hours in the week (days and nights).

The Divisional staff, it would appear, take the line of least resistance in the matter of arranging bookings and rather than take the trouble of recasting the booking arrangements, when there is sudden need to change bookings, they take advantage of the permissive clause in the rules and book a driver, who is off duty, while drivers who have had longer hours of rest are available at the station, merely because they had already been booked for other later trains and the Divisional Staff do not wish to undertake the extra work involved in recasting the booking arrangements. Here

[Sir Henry Gidney]

is the absence of human touch which I propose to deal with in another motion if time permits

**Mr. Deputy President** (Mr Akhil Chandra Datta) Cut motion moved  
That the demand under the head 'Railway Board' be reduced by Rs. 100'

**Rao Sahib N. Sivaraj** (Nominated Non-Official) In seconding the motion which has been so ably moved by Lieut.-Colonel Sir Henry Gidney, I desire to draw the attention of the Honourable the Railway Member to only two points. One relates to the welfare and interests of the community to which I belong and whom I have the honour to represent in this House and the other generally relates to all the communities in our country. Sir, on the first point, I am interested in seeing that the members of my community get their due representation, if not over-representation, like the other communities, in the various Departments of Railway Administration. In a letter which I have written to the Honourable Sir Andrew Clow, I have drawn his attention to the fact, that in spite of the difficulties we experience in getting what they call a suitable candidate for their service, in spite of that fact, when two candidates offered themselves for service in my part of the country and, particularly, in the South Indian Railway, both those candidates were rejected on some ground or other. We do not even mind the rejection but the grounds of rejection are so slender and, in one case, it is even malicious. A candidate was selected by the Staff Selection Board and he was rejected by the Railway Medical Officer on the ground that he was somehow unsuited to the railway service. It may be that we cannot get round medical opinion but then I turned round and asked the Railway Administration whether they have not made a provision for a higher medical tribunal, if I may use the expression, just as they have got the Medical Board in order to test the decision of a particular Medical Officer. In the other case, the reply given is insulting to the members of my community and also to people like me who are members of the Legislatures. The candidate was asked whether he could not bring testimonials from persons other than those belonging to the depressed classes. Well, so far as I know, members of my community and candidates from my community cannot expect to get certificates from members of other communities.

**Some Honourable Members.** Why not?

**Rao Sahib N. Sivaraj.** In fact, they have no access to the other communities. Unfortunately, it is a fact. They have not got the opportunity of getting into touch with members of the other communities and that is the reason why they cannot get certificates from persons other than those belonging to the depressed classes and yet this man was told to bring certificates from persons belonging to other than depressed classes. I am particularly referring to a man who offered his services as a railway engineer and we have got very few men who can be trained as engineers. But it is not due to our fault as I have tried to point out to Government on many occasions. A similar fault, for instance, can also be alleged even against the British Empire today because they were not prepared for the attack of Hitler and others had to come to their rescue. Even today,

because of their unpreparedness they are not able to meet the present situation as well as they are expected to. We are more or less placed in the same situation. In such circumstances, even when candidates are available I am very sorry to note that the Railway Administration does not care to look after our interests. As a matter of fact, I know of instances when they could not get a Munammadan in the Madras Presidency for the Madras railways and they had to import Muhammadans from Bengal and Punjab. I expect that they will do the same with respect to my community. That is, however, a small matter compared to matters of great importance these days.

There is the other matter to which I would like to draw the attention of the Honourable the Railway Member and the Railway Board. It is a matter which concerns the general public. It is a matter which has already arisen and which is bound to arise in greater dimensions in the near future. I am referring to the evacuation from places which are about to be raided or are likely to be raided. We have already had some complaints about the way in which the railway servants in certain places were expecting special treatment at the hands of these evacuees and that many evacuees found it difficult to get accommodation in the trains normally. That may be so. But I was assured when this question was raised in the Railway Standing Finance Committee and other places by the Members concerned that the General Managers and Agents have been informed to see that no such undue advantage is taken on account of this extraordinary rush due to the evacuation. But what I really want to point out to the Railway Member is that he should take note of this fact immediately and very widely. Information should be given to the public that no discrimination will be made in the matter of the provision of accommodation at the time of evacuation. The rumour is afloat very widely in any part of the country that the wives and children of Europeans get the first preference with reference to this accommodation. Without the knowledge of the general public, special trains are being provided for them and these special trains start in the darker hours of the day, that is during night time. As a matter of fact, I raised this question in the Madras Railway Advisory Committee and I was told by the Agent that there was absolutely no truth in it. So, I had to inform those who are of the opinion that special facilities are given for the removal of Europeans that that was not so. And yet another thing was suggested. It was mentioned that some compartments are attached to goods trains and in those compartments the wives of Europeans and others are evacuated. I merely want to draw the attention of the railway administration to the fact that they should give wide publicity that no such discrimination is made. I can tell Honourable Members that in the recent evacuation which took place in Rangoon, the members of my family suffered under similar disadvantages in the matter of accommodation on board the ships. What happened was that they had to wait for more than three weeks to get their passage to come over to India and having got their tickets they were waiting for accommodation but they were not able to get it simply because the man who was responsible for providing this accommodation gave preference to Europeans, English people and Anglo-Indians.

**The Honourable Sir Andrew Olver:** To what place the Honourable Member is referring?

**Rao Sahib N Sivaraj** I am referring to Burma. I do not want that that state of things should be repeated in this country. That is why I am anxious that a reputation of that sort should not be attached to our railway administration in India.

**Mr Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions, Muhammadan Rural). Sir, I will not take much time of the House on this motion of my friend, Sir Henry Gidney. I would only read out a little passage from a note that I have in my hands. I recognise that there has been considerable Indianisation in the railways. Still, what I find is that the key posts—and this blame I attach not only to the Railway Board but to all services throughout the country—are still held by the Europeans and Anglo-Indians in the Indian railways. Europeans and Anglo-Indians form a microscopic part of the population and yet they have a far higher percentage than even the Muslims have in regard to the superior posts. According to 1931 census there were about 156,000 Europeans and about 166,000 Anglo-Indians.

**Leut.-Colonel Sir Henry Gidney**. On a point of order, Sir. I do not want to interrupt the Honourable Member but I do not think that this matter is included in my cut motion. The point which the Honourable Member is raising will come under another cut motion of Indianisation and I think that will be a more suitable opportunity for his remarks.

**Mr Deputy President** (Mr Akhil Chandra Ditt). The motion refers distinctly to the Railway Administration though with particular reference to the Locomotive Department. I think the Honourable gentleman (Mr Muhammad Azhar Ali) is perfectly in order in referring to this matter.

**Mr Muhammad Azhar Ali**. Thank you, Sir. I am glad that you have come to my assistance. The percentage of the jobs held by these two communities in proportion to their strength is simply amazing and could be accounted for only by the present system of administration of the country. It is of interest to note that in the case of superior services the Muslims, who form a fourth of the total Indian population have only 8.9 per cent of the total posts in 1941 as against 9.48 per cent in the case of Anglo-Indians and Domiciled Europeans. In the superior services, if we add the percentage of Europeans to that of Anglo-Indians and Domiciled Europeans, the posts held by them amount to 52.63 as against 40.92 of the total of Hindus and Muslims. So far as the subordinate services are concerned the percentage of posts held by Anglo-Indians and Domiciled Europeans amounts to 41.70 per cent as against a percentage of 38.76 of Hindus and Muslims combined together. If we add the percentage of Europeans also to that of Anglo-Indians and Domiciled Europeans, the number of posts held by them amounts to 53.40 as against 38.76 which is the total of Hindus and Muslims in these services.

The recruitment during the year 1940-41 to superior services in the State-managed railways consisted of eight Europeans and 12 Indians. Recruitment for superior services in the Company-managed railways during the year consisted of three Europeans, two Anglo-Indians and Domiciled Europeans and 12 Indians. In the lower gazetted services in the State-Managed railways, out of 34 promotions made, 11 went to Europeans, nine to Anglo-Indians and Domiciled Europeans. It



may be further noted that out of the 14 officers in the Company managed railways who were promoted from the lower ranks to the superior services, during the year, three were Europeans and five were Anglo Indians. There was not a single Indian. So, with this state of affairs existing in the country, the Indians are in a deplorable condition. I said in the very beginning that there has been Indianisation, but Indianisation where? Mostly in the lower subordinate services. These key posts are still held by Europeans and Anglo-Indians.

**Dr P N Banerjee** It is Anglo Indianisation.

**Mr. Muhammad Azhar Ali** Yes, it is Anglo Indianisation and Europeanisation. Under these circumstances if we say that the Railway Board are not at all taking any interest in increasing the percentage of Indians in the higher services, it cannot be said that we are wrong or that our complaints are in any way groundless. I should like to know why there is so much disparity between the number of Indians on the one hand and the number of Anglo Indians and Europeans on the other. Only with this aspect, I confine myself at the present moment and as I am not keeping well, I do not make any further remarks.

**Mr Govind V Deshmukh** (Nagpur Division Non-Muhammadian) Sir, I will confine myself only to the transport needs of the country while dealing with this motion. My talk is neither long nor short and so I will not take up much of the time of the House. In the course of the debate on the motion of priority of public supply of wagons moved by my Honourable friend, Mr Neogy, I heard the phrase Wagon Supply Committee. If it is not a kind of poetic fancy and if it has got a habitation, as it has got a name, I should like to know something about it. This is the first time I came across this. It seems to me that—as I have learned in the course of the debate—this is a body which can be approached only by a body of colleagues. I should like to know something about the composition of the body and the functions of the body and whether we, poor agriculturists, can approach this body and how to approach it. I have already talked in the general discussion of the Railway Budget about the needs of transport of this country. I should not like to say anything more at present, but I should certainly like some information on the important point raised in the debate. I request the Honourable Member in charge of Railways not to overlook this point on which I merely seek information.

**Mr Muhammad Nauman** (Patna and Chota Nagpur and Orissa Muhammadan) Sir, I do not want to indulge in any long debate, but I just want to support the motion which is before the House as moved by my Honourable friend, Colonel Gidney. The position is that recently we have seen enormous difficulties in the matter of transport in public and even in the matter of getting transport for the purpose of war. Priority may be a very good thing, and it is certainly necessary for the successful prosecution of the war. We all appreciate that, but under the plea and under the cloak of priority, the public should not have been put to the trouble to which they have been put to. The whole position is that as my Honourable friend, Colonel Gidney, has said, it requires 'human touch' on the part of the officers running the Railway Administration. They should not be callous to the needs of the public.

Now, let me take the position of coal which is used for the purpose of fuel all over the country and which could only be kept at reasonable

[Mr Muhammad Nauman]

price level it reasonable transport facilities were not refused. What do we find, the price of coal had doubled and trebled within few months and only because transport could not be made available at the different coal fields. In spite of repeated requests by the merchants and even by the public, the administration was callous enough to give no facilities whatsoever to the public. I brought this question before the meeting of the Standing Finance Committee when we recently met and we heard something by way of explanation. Of course, I did not try to criticise the Member of the Railway Board who explained those circumstances in the meeting and neither do I want to criticise him now. Probably he said that owing to certain administrative reasons, he could not do any better. What I want to suggest is that in these difficult times, you have got to realise the difficulties of other people as well. I agree that we have got to share the inconvenience, we have got to shoulder the difficulties and troubles, but they have to be reduced to the minimum and not increased to the maximum to which we have been brought to. From my own experience I can say as a president of a few commercial organisations in Calcutta and other places, that hundreds of cases were brought to my notice where the members of Hides Merchants Association of Calcutta and Cawnpore were refused wagons in time. The merchants in Dhanbad, Muzaffarpur, Durbhanga and other places who wanted to send their hides and skins,—even those who were to supply to Government for tannery purposes were not given wagons in time. Of course those small merchants could not have got priority certificates because those particular clients were not the contractors of the Government, but they had to send their goods to a particular spot from where the contractors had to supply to the Government. Well Sir this resulted in the deterioration of wet-salted hides in many cases.

In Calcutta, I remember a few merchants wanted a few wagons for Bombay for shifting their goods during the panic condition of Calcutta, but no wagons were made available. I myself rang up one of the highest officers of Railways in Calcutta and I was told that no wagons were available to the public for Bombay. I asked them whether they could give those merchants even ten wagons after ten days, but the reply was, "no." This is the sort of transport arrangement that prevails now and this is the way in which transport is being carried on in this country. The Honourable Member for Railways gave a certificate to his officials sometime ago that they were doing wonderful work in the difficult days and that the different General Managers had exerted themselves by being able to meet the situation. But let him remember that it is the Railways who have driven the public to this difficult position. I do not know whether the Government of India in the Supply Department equally did not complain of transport difficulties.

Again, speaking of passenger traffic, during the days when panic prevailed in Calcutta, during the days of rush in Calcutta—the panic started on 16th December—thousands of people could not get accommodation in any train at Howrah or Sealdah. Probably the position at Sealdah was a little better than at Howrah. They probably were running a few special duplicate trains, instead of one special train for each ordinary train.

The passenger's affair may not come up on this particular motion but it has to be remembered and perhaps the Honourable Member and many

of his colleagues know the difficulties Sir Andrew Clow may not know very much, but I am sure his Indian colleagues know these things in more details. What I want to impress on the House is that the different administrations have miserably failed to meet their obligations in time when they ought to have met with courtesy and facility. The Honourable Member may require me to cite particular cases with dates and so on. I have referred to one or two occasions and I cannot give details because I did not hold any inquiry into them as I had neither the time nor the staff necessary for it. But I can say with certainty that in many cases the prices of stocks in the country had to be raised suddenly beyond the market price because of transport facilities having been denied. One patent reply the Honourable Member may make as it is this that he had not enough wagons to provide and that he had to carry on with what little he had at his disposal. May I ask him and the Government of India who are responsible for that? Are we to answer for that with all the money and the control of the administration that we have given them? Why did you not turn out more wagons in this country? Why did you not think of this a few years ago and why cannot you do it even now? I am tempted to make many other references of the failure of Government when on this but I do not like to give them out on the floor of the House as I have no time at my disposal and it may be considered beyond the scope of this motion.

Sir, I support this motion and I hope that the Honourable Member will not only reply to it in the usual fashion but will seriously consider the anxiety of the people and remove the difficulties in which we find ourselves.

**The Honourable Sir Andrew Clow** Sir, as this debate has ranged over an extraordinarily wide field, I hope the House will show me a little forbearance if I do not deal with all the points that have been raised. I did not expect when it started that I should have to deal with the important and difficult subject of Muslim representation or the evacuation of the members of Mr Sivaraj's family or others, and I must really try to confine myself to the questions more immediately concerned with the cut motion as it is placed on the table. If time remains with me I shall try to deal with the others later.

Sir Henry Gidney and Mr Nauman dealt with the wagon position, the former in fairly moderate terms and the latter in somewhat immoderate terms. We were accused of lack of foresight, we were asked why we did not provide enough wagons to meet the present needs, because it is a fact that the capacity of the railways is not equal to the present demands. It is not a question, as Mr Nauman suggested, of our being in any way callous. He said that probably, when I was giving hints to our officers, I was not aware of the needs of the public. But if he will read my speech he will find one or two references to the difficulties that the public are facing and will have to face in the future. We are all very conscious of these and we are doing our very best to meet them, but there is simply not enough capacity to meet the demand. Then Mr Nauman and Sir Henry Gidney say, "What a terrible lack of foresight! If only a few years ago you had provided enough wagons or enough locomotives you would not be in the position in which you are today."

Now only a few years ago, in 1937, we had an expert committee out, and we were after that pursued with quite reasonable demands from the

[ Sir Andrew Clow ]

House to enforce with the utmost speed the recommendations that it made towards economy. Year after year in the Railway Budget debates there was an insistent cry for economy in every possible direction and the railways were pared down to a level which we now recognise to have been unwise. But we are speaking with wisdom after the event, and it is always easy to criticise when one knows afterwards what happened.

**Mr Muhammad Nauman** Sir, may I ask one question? Is it not a fact that this Assembly has been pressing for the building of more locomotives in this country and it would not refuse the cost of machinery?

**The Honourable Sir Andrew Clow** I will come to that later if the Honourable Member will be patient. This Wedgwood Committee drew attention to the fact that there was an excess of wagons and they also said as regards locomotives,—and I would remind the House again that it was in 1937,—

‘The stock of locomotives is excessive and should be capable of reduction. Even in the event of a substantial increase of traffic we consider it unlikely that for the present, at any rate, there will be need to face any considerable programme for the purchase of additional locomotives.’

**Lieut-Colonel Sir Henry Gidney** Sir, I am afraid the Honourable Member is misinterpreting what I implied in my motion. I did not say that the shortage of wagons was because more wagons were not made in the past. I referred entirely to the present time. My point is this. India cannot build more wagons today for want of adequate facilities and has still to rely on England for certain essential parts.

**The Honourable Sir Andrew Clow** We do build wagons in India and have been building wagons for some time. We can build locomotives in India, we have capacity for building locomotives at this moment in Ajmer which cannot be used, and if we had a larger factory we would not be in any better position today. The fact is, and I think we must all admit it,—did not we all show a lack of foresight? How few of us three or four years ago believed that we would be in the middle of a great war today? If we on this side of the House and Honourable Members on the other side, had been able to see three or four years into the future, I am quite sure we would have adopted different lines on many of the problems of policy that confronted us. But I do not think it is quite reasonable to blame us or our predecessors because we lacked that gift of prophecy.

There was a small question asked by Mr Deshmukh about the Coal Wagon Supply Committee. As its name implies, it is concerned with coal and has functions which were explained by Mr Raper this morning.

**Mr Govind V Deshmukh** Is there any way for the agriculturists to approach them for the supply of wagons?

**The Honourable Sir Andrew Clow:** Agriculturists can ask for a wagon in the same way as anybody else, there is no special way provided for them.

Sir Henry Gidney touched on the question, just in passing, of saloons, and said that high officials in all classes, unfailingly use their saloons for all journeys. I can assure him that that position has changed and is changing. We have issued instructions to railways somewhat on the lines he suggested. I am reminded that there are some Honourable Members moving about in bicycles and I doubt if that enables Honourable Members who are entitled to use saloons and other officers to curtail their use of saloons. I think the House will be interested to know that only a few days ago His Excellency the Commander in Chief passed an order that as regards military officers their saloons should in no circumstances be placed on a mail train. There are of course, times when a train is not running to capacity. It is often of assistance rather than the reverse to have the saloon on a train because there are very often more than one officer travelling with personal assistants and others and so long as there is spare capacity on the train I do not think there is anything to object to in it. But on trains which are now very often running to capacity the use of saloons is certainly to be deprecated.

Sir Henry Gidney passed from these questions to questions affecting the staff and I have seen since the debate began an interesting and, I admit, quite a disturbing list which he has given me. It is a little perplexing because the number of daily hours appears to have been great, on several occasions there is more than a 24 hour run. But if this is at all approximately accurate it certainly shows overwork of an individual. What I thought he said the other day was that there were train running times regularly involving 16 to 21 hours, and that was what I was dealing with primarily and when I was citing the order of the North Western Railway about 16 hours I felt sure that there were no such train runs on that line and that this order must, therefore, relate to cases where, owing to exceptional circumstances, a man was kept on the footplate for longer than the time allotted to the train run. If there are train runs of excessive length, I will be very glad if he will bring that to our notice so that we may look into those train runs. One case was brought to my notice a short time ago by Mr. Navalrai and we actually reduced the train run of certain trains in Sind. But I have a great deal of sympathy with Sir Henry Gidney's view that it was unfortunate that 10 or 12 years ago the running staff were so firmly excluded from the hours of employment regulation. But it is not easy to apply those regulations to running staff. There will have to be a great many exceptions. I rather think that one difficulty was that the staff themselves were interested in these long runs, interested from the financial point of view. And I agree with Sir Henry Gidney that that is not a consideration that we should allow to stand in the way of ensuring humane and safe hours of work. I will, however, look into the case which he has brought to my notice and I can assure him that if any member of the staff complains to his superior about excessive hours of work and cares to produce a statement of this character, there will be no question of victimisation at all.

**Lieut.-Colonel Sir Henry Gidney:** Thank you very much.

**The Honourable Sir Andrew Olow.** Rao Sahib Sivaraj referred to the difficulty, the difficulty with which I sympathise, that members of his community experience in getting employment. But I am afraid I cannot

[Sir Andrew Clow] accept responsibility for two cases that occurred on the South Indian Railway because I have no jurisdiction in that matter on that Railway. In one case I gather the candidate was rejected medically and that is a thing to which every one is liable and of which only medical officers can be the proper judge. In the other case I was a little surprised to hear that a candidate was asked to produce certificates from members of another community. I certainly know of no case in which that has happened on the State Railways.

I see I have a few moments left to give to the big question raised by Mr Azhar Ali. It is not a question to be dealt with at short length because it is a difficult and an intricate one. But I do not think we get a fair measure of these things simply by citing the percentages of Europeans or the percentages of any other community at the present moment. These, as the House will recognize, represent to a large extent, past history. They represent recruitment over a period extending for more than 30 years. At that time the Railways were almost entirely manned by Europeans and Anglo-Indians and a great many of them are still with us, but their number is being reduced. In the case of Europeans we were recruiting at the rate of only 25 per cent among the officers and I think, practically none amongst the non-gazetted staff, and since the war we have suspended even that and we are recruiting no Europeans at all.

**Mr Muhammad Nauman** You are giving them extensions alright.

**The Honourable Sir Andrew Clow** We are giving some extensions because we are short of officers. We have let a great many of them go. We had to let two hundred officers—many of them were experienced European officers—go to other departments, but I think the extensions are not affecting the rates at which we are recruiting officers of other communities and we are now getting those officers in approximately correct proportion. I have fully recognized—I have recognized continuously—that the share of Muslims in officers and staff is by no means commensurate with their populations in the country, but unless I am going to remove a lot of valuable officers who have given us good service and who have a right to remain in service I am afraid there is no other solution of that difficulty except by the process of time.

**Mr Muhammad Nauman** We don't want you to remove them.

**The Honourable Sir Andrew Clow** That is the only way by which it can be done.

**Mr Muhammad Nauman** You have got different ways also.

**Mr Husenbhai Abdullahai Laljee** (Bombay Central Division, Muhammadan Rural) Sir, a great deal has been said with regard to the supply of wagons and the shortage of wagons and I quite see that the real cause is that owing to the war there has been a lot of scarcity. But, Sir, the fact is this that while we have our departments engaged on war work which must have preference over all other work, there must be some distribution made with regard to urgent demands for industries and others. It should not be taken that because of the war nothing else should be

looked into It should not be that, under the pretext of war demands, nothing else should be attended to

**The Honourable Sir Andrew Olow** That is not our attitude at all

**Mr. Huseinbhai Abdullahai Laljee** Well, Sir, that is a general complaint Every part of India complains about the wagon supply for industries, and if at all the Railway administrations give careful consideration to those demands, I am sure such a great cry would not come. Anyhow, Sir, a lot has been said and we know very well that endeavours will hereafter be made

I am very glad also to note that so far as the saloon affairs was concerned, about which my Honourable friend, Mr. Jamnadas Melita spoke a few days ago, the Honourable the Communications Member has explained that hereafter those great privileges cannot be accorded to those great men I am not much against that But, Sir I do wish to say something about the ordinary people people who have been working very hard, as my Leader has pointed out, people who have to work hard and get very little pay Sir, it has been pointed out that under the overtime allowance scheme Drivers, Shunters Foremen are not included I do not know why this discrimination has been existing If a man really works why should not he get overtime allowance If you do want them to work overtime they must be paid

Then, Sir, I do want that some special officer should be appointed to examine the question of work and rest A good deal has been said about these people working overtime The statement which my Leader placed before the House clearly shows that not only these people are being hard worked but the efficiency and safety of all on the railway track is so much in danger Sir, I find from the overtime Rules of the Bombay, Baroda and Central India Railway that there has been allowance given for prescribed hours over ten hours I do not know, Sir, why that has not been given on the other Railways Sir, this matter deserves the immediate attention of the Railway Board if their slogan "Safety First" is to be practised for the staff also The question of hours of work and rest needs immediate examination and remedying

Then, Sir, there is another most important question and that is with regard to the right of the people—workmen—to appeal Sir, every now and then we have been told that complaints could be made

**The Honourable Sir Andrew Olow** I think this is the subject of the next cut motion

**Mr. Deputy President** (Mr. Akhil Chandra Datta) That forms the subject matter of the next motion

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official) Sir, it comes under Railway Administration, I think

**Mr. Deputy President** (Mr. Akhil Chandra Datta) Order, order The expression "Railway Administration" is of an all-embracing character, and everything can come under that

**Mr. Huseinbhai Abdullahai Laljee** Human touch!

**Mr Deputy President** (Mr Akhu Chandra Datta) Literally speaking, according to the strict wording of the motion, everything comes in, but when there is another motion specifically on that question, I think it is better to postpone that discussion for that cut motion.

**Mr Husenbhai Abdullahai Laljee** I will not say much, but with all deference to the words human touch as you have rightly observed I was only placing this before the House and drawing the attention of the Honourable Member for Communications that these people who have been working very hard do require that their grievances must be looked into and some right of appeal and also some compensation for the overtime that they work. That is only fair.

A lot has been said about amenities being provided for these workmen. I do not want to press this matter much, but, surely, the railway administration ought to provide necessary amenities and sufficient arrangements for taking rest, if they want to help them to work overtime. I am told that no arrangements have been made even while they are made to wait, for complete rest.

I am very glad some of my friends want to do the work of the Honourable the Deputy President in telling me that my time is up, but frankly speaking, my point of view is that I do feel that the railway staff is overworked and it is essential and very important that workmen on the railways must be given overtime and rest, at the present time they are expected not only to do all the work but no compensation is paid to them. I also feel that only such work should be taken from them as will not materially affect their health. With these words I support the motion moved by my Leader Colonel Sir Henry Gidday.

**Mr J Ramsay Scott** (United Provinces European) Mr Deputy President I propose to deal with a few transport matters. Transport is the biggest internal problem which we have today, and I want to know what steps Government have taken or are in the slow process of considering to try and remedy matters. There is no doubt at all that transport facilities in this country are insufficient for our needs today, and I do not find that the Government of India are taking any active steps to improve or try to improve or to remedy the acute shortage. The railways are admittedly unable to cope with the situation. I believe that this position has been foreseen for some time, but I have yet to learn what action, if any, has been taken to investigate the position and to make suggestions to alleviate the situation in any way. I believe that there is a Board, called the War Transport Board, but this is so completely hush-hush that we do not even know what its functions are or what powers it possesses. I rather presume that it only deals with war transportation problems, and not even with other war transport problems such as the movement and supply of goods to and from our industries which are on war work. I hope the Railway Member will be able to tell us about its activities. Has the Transportation Board any control over the Railways? What I want to ensure is that the railway transport is being controlled in some way or other under some well considered plan. Is there any organisation in the Government of India whose job it is to deal with transport and its intensive use and co-ordination? If not, I want some organisation and some definite authority to be set up without



delay. If I understood the Honourable Member aright, the present transport organisation does not seem to have such power, and I would like to have more information than he gave to my Leader Sir Henry Richardson.

**Mr Deputy President** (Mr Akhil Chandra Datta) The question is "That the demand under the head 'Railway Board' be reduced by Rs. 100." The motion was negatived.

**Mr Deputy President** (Mr Akhil Chandra Datta) Before proceeding further, may I place a very old ruling of the House with regard to the subject matter of cut motions?

**Sir F. E. James** (Madras European) Of the Chair.

**Mr Deputy President** (Mr Akhil Chandra Datta) Of the Chair. It lays down that in cut motions it will be difficult for Honourable Members to exercise their right of vote if it covers more than one grievance. The Chair therefore desires that Honourable Members in giving notice of cut motions will restrict themselves to one specific grievance. The debate on Sir Henry Gidney's cut motion has typically illustrated the wisdom of the ruling. It is good for the party giving notice of the motion and also good for the Government.

The next motion is of the same Party—No. 32 on the Final List.

#### *Punishment and Appeals and Good Conduct Marks*

**Lieut.-Colonel Sir Henry Gidney** Sir, I beg to move

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

Sir, I am glad for the corrective advice you have given the House as to the undesirability of including many subjects in one motion, but in the railway administration matters are so interwoven that it is extremely difficult to disconnect one from the other, as obtains in the case of the Head of the Railway Board being apart from the Communications Member. The subject matter of my motion is one which has certain side issues which are impossible to take away from my motion. I desire here to confine myself to one matter, that is, the question of appeals and its various implications and complications. In my previous cut motion I cited many cases indicative of disaffection and discontent among the staff of the railways and I am so glad that the Honourable Member gave that motion of mine his sympathetic attention. But, as a sequel of those matters the question of appeals is apparent as also the right of appeal and the procedure which is entailed in appeals on the railways. It is in such cases, as I have already brought to the notice of the Honourable Member that one sees the absence of the human touch, i.e., the inadequate provision to safeguard the right of appeal. I am fully aware of the fact that the Railway Member and Board cannot look into each individual case. It would be impossible. But I do think that the Honourable Member was overstating the position when he said that he and the Railway Board were being asked to interfere with every case of promotion of an Assistant Station Master. Even the most zealous of us have a certain sense of

[Sir Henry Gidnev]

responsibility, but I do submit that the Communications Member and the Railway Board ought to be prepared to deal with ever an individual case if there is *prima facie* evidence of grave injustice even to the humblest of our men working under him and I may recall to him a glaring instance in which a predecessor of his in office exposed a Railway Agent who had confirmed the punishment (in agreement with his Chief Transportation Officer) by dismissing an humble traffic subordinate and it was proved on enquiry by the Railway Board that the Railway Agent had not even seen the file and facts of this case. In fact he dismissed him totally ignorant of the case. As a result the subordinate was re-installed and the then Communications Member had the courage to warn these officials against a repetition of their conduct. I will not go into the details—I have no doubt that Members of the Railway Board will remember that case. Why not emulate his predecessor in office. But there is a form of punishment on Railways in respect of which there is apparently no provision at all for an appeal even to the next higher rung of the administration ladder. I refer to the penalty which was recently introduced known as the "Good Conduct Marks System". This system has been an alternative measure of punishment to fines, suspensions, demotion and reductions of grade, etc. This system was obviously intended as a milder form of punishment, and as it was introduced subsequent to the issue of appeal rules, it did not find a place in the appeal rules issued. I think, in 1935. On this account it has been held by the Railway officials that no appeal lies against such punishments. I do submit that there should be no form of punishment against which an appeal cannot be submitted to, at least the next higher authority, otherwise junior officials will feel at liberty to confine their punishments to that limit, and yet, the cumulative effect of such punishments on the workman's future in the service will be as disastrous as any other more serious form of penalty—indeed, it will eventually affect his promotion or even his retention in the service, for I understand that, in this system of Good Conduct Marks, if a man has a certain number of marks against his name, he is liable to be discharged from service. I think the Honourable Member will agree that it should be the aim of Government to remove dissatisfaction among the staff on any ground whatever, if not they must have a right of appeal to higher authorities. Let me just give you an instance. During the period of depression, for instance, on the N. W. Railway, it was decided to withhold the promotions of Grade IV Shunters to the corresponding grade of Driver. Appeals were sent against this. Prior to this period, in accordance with the terms of the agreement under which these men were recruited, Grade IV Shunters, who had passed their examinations, were automatically promoted in due course. This was not done and an appeal was made. At that time the promotion to the grade of Driver was not dependent on the strength of the Drivers cadre. Firemen and Shunters were all expected to become Drivers in due course, and both these categories were treated only as a training ground for Drivers. But the policy has since been radically changed. The men were not consulted at all, for when the depression was over, the Railway Administration fixed the number of appointments in each grade and the number of posts so sanctioned in Grade IV Drivers was actually far less than the number of those who were holding such posts. Again an appeal signed by almost all these people was sent with no effect. Whereas, on the whole of the North

Western Railway, there were 131 Grade IV Drivers the sanctioned strength was 102. Thus the Grade IV Shunters who according to their original agreement, were entitled to automatic promotion in due course, have no chance whatever of being promoted, until the excess which has resulted in the cadre of Grade IV Drivers, consequent on the arbitrary fixation of the sanctioned strength, had been absorbed in vacancies occurring in the normal course in the sanctioned strength. This was the position in 1936. The men again appealed in a body—again no result. I understand that, as a result of the job analysis undertaken in 1937, this position was again revised, and the sanctioned strength of Grade IV Drivers was still further reduced. Another appeal was sent by these men—useless. Today Grade IV Shunter—passed—Drivers who have no hopes of being promoted as Drivers, although they are being utilised as Drivers. The fact that there is an excess in the grade of Grade IV Drivers beyond the sanctioned strength also indicates very clearly that the sanctioned strength was fixed without regard to the actual position and needs of the Railway. The non-restoration of the privilege of automatic promotion, even after the depression, was, in my opinion, a distinct breach of their agreement and the conditions of service under which these men were originally engaged. Again they appealed—a wasted effort. Sir, the preservation of the vested interest and accruing rights in the matter of prospects and promotion of service men is a well recognised policy of the Government, and I do feel that Government ought not to deny this privilege even to subordinates. I, therefore, maintain that an appeal in such matters must receive the serious consideration if not of the administration, at least of the Railway Board, and an independent enquiry should be made into this very serious matter.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim resumed the Chair)]

In conclusion I would repeat that every cause of dissatisfaction, especially when there exists substantial grounds for such dissatisfaction, ought to be removed as far as possible. I was glad to hear the Honourable Member pay a tribute to these workers as apart from the officials, but I do not want him to give practical evidence of the gratitude which he expressed by giving his personal attention to the points on which I have touched within the limited time at my disposal.

Sir, generally speaking, the policy of the Railway Board in regard to these appeals is very unsatisfactory. On paper they appear very perfect, while in practice they are hopelessly imperfect. The appeals are forwarded or not at the sweet will and pleasure of the officers. If the subordinate demands an enquiry he is told that his appeal does not lie to a higher official. If he repeats his request, he is told to be careful and not to be insubordinate. If he presses his request for a third time, he is threatened with discharge from service, and I have letters with me to prove, if the Honourable Member cares to know more about such matters that this is actually the position. Sir, these servants have been at times intimidated, they have been silenced, and it is for this reason that Members of this House cannot produce concrete cases, lest those men, by their repeated appeals against punishment, be further punished, though they do not deserve to be victimised, and I am glad to have the Honourable Member's assurance that the case I brought to his notice a little while ago will receive his attention and that the person concerned will not be victimised. If he is I shall forcibly represent his case to the

[Sir Henry Gidley]

Honourable Member and this House. It is a very difficult thing indeed to give concrete cases of victimisation, but I do know of an upper subordinate's case on the N. W. Railway in Mr MacGrath one of the ablest senior foremen in which the Honourable Communications Member who occupied this office a few years ago personally enquired into the matter and gave his orders contrary to the N. W. Railway Agent's order. What was the result? The Chief Mechanical Engineer on being told of the Honourable Member's views was heard to say—"I will just see whether in my Department I rule or the Honourable Member, Communications". He refused to accept this order and the subordinate went on furlough and subsequently retired. In other words he was hounded out of his office to the great loss of the N. W. Railway. That was the result of that appeal. Sir, I ask the Honourable Member completely to change his outlook and that of the Railway Board on appeals and to give his sympathetic consideration to the present unsatisfactory rules governing appeals, and to make them from these make appeal value a sound practical and comprehensive rules and that threats should not be permitted to aggrieved employees who submit appeals especially in those cases in which the judge and the prosecutor is one and the same person.

**Mr President** (The Honourable Sir Abdur Rahim) : Cut motion moved "That the demand under the head 'Railway Board' be reduced by Rs. 100."

**Mr Lalchand Navarai** : Sir, I rise to support this cut. I should like to point out that there are many handicaps in the way of railway subordinates in regard to bringing their grievances before the higher officers. Sir, to begin with, I find that the rules regarding appeals require to be revised. Whenever any matters are brought before the General Manager against the decision of the Divisional Superintendent by way of an appeal generally the General Manager rejects such appeals and says that the revision does not lie with him and that there are no rules for it. This is really very hard indeed for poor subordinates as there are no supervisory powers vested in the General Manager. It is true that the Honourable the Railway Member himself would find it difficult to examine the cases of each individual but there are no revisions, and no appeals can reach the Railway Board. If the appeals reach the Honourable the Railway Member, kind as he is, he will at least look into those appeals sympathetically and decide matters in suitable cases.

I personally know that cases of certain officers have been brought to the notice of the Honourable Member, and where he has thought fit, he has actually interfered. But what I do want is, you should revise the rules and provide for something more than what the rules contain at present. Let us see what happens now. A Divisional Officer has got to give a certain punishment to a subordinate. What does he do? He issues orders under the signature of the Divisional Superintendent, and presumably when he does it he consults the Divisional Superintendent and then passes orders. To whom will the appeal lie? Under the present rules it lies to the Divisional Superintendent. Is that fair? That is the practice at present. The Divisional Superintendent passes the orders, and the aggrieved person goes to him and says, here is my revision, kindly forward it to the General Manager. He says no, there is no revision allowed and I am not going to forward. But even in those cases in which a certain

appeal lies, for instance, dismissal by the Divisional Superintendent,—in that case a man has been dismissed and an appeal would go to the General Manager, but when an appeal is preferred, on many occasions, the appeals are withheld. In these circumstances, the real remedy is that the rules should be modified. The Honourable Member knows how many questions on this point have been put. Therefore, it is high time that the rules of appeal and revision were revised. I have nothing more to say. I give way to other Members who may want to speak.

**The Honourable Sir Andrew Clow:** This question of appeals is a difficult one and occupied I think nearly a whole day of our time about a year ago, and I am afraid that in the seven or eight minutes remaining to me I cannot add very much to what I then said.

We do provide in practically all cases for at least one appeal. Sir Henry Gidney raised the question of giving people good conduct marks. It is extraordinarily difficult to provide for an appeal against what is really not so much a mark as a remark. I was urged the other day by Sir Henry Richardson, and as he spoke, Dr Sir Ziauddin Ahmad echoed his words with a loud "hear, hear", that we should exercise a great deal more selection and proceed much less by seniority than we do. With that sentiment I have a great deal of sympathy, but I am not sure that that sympathy is felt by every Member of the House. I am constantly being told "Stick to seniority, otherwise there is favouritism, officers' personal prejudices would come into play, or otherwise, members of a certain community will not receive justice from members of another community". So I am afraid there is a constant temptation on the part of officers to promote by seniority. They know that if they promote the senior man they have a complete reply to any body from the Honourable Member to a Member of the Assembly who may ask a question on the subject, and they feel that it is the easiest course. If they exercise, when they should, strict selection, there is always the danger that they will be called upon to explain why A, B, and C, were passed over. That is a weakness I think with State administration, for which some remedy will have to be found. Now, one way of guarding against promotion depending too largely on one officer's personal predilections, is the recording of opinions by his predecessors, that is by confidential or other remarks, or the award of good conduct marks. But if every time what is merely an opinion is going to be recorded, it is going to be an extraordinarily difficult matter.

**Lieut.-Colonel Sir Henry Gidney.** Is this going to count against him?

**The Honourable Sir Andrew Clow:** It does. I may record my opinion formed after quite an intimate knowledge of the officer, that the officer is rather a mediocre. If I am asked to put down in several pages an explanation of the instances on which that statement is based, it is going to be a very difficult thing indeed. Promotion by selection obviously depends on some officer's individual judgment; and you have to have a system, as far as possible, by which he can be guided by past experience. My experience, after reading many officers' character rolls, is that they do not err on the side of hardness. In fact, there is almost a different language used, which one can translate. Thus, if just the word "satisfactory" is constantly recorded, I begin to suspect that his work is not all that it should be. If we are going to provide appeals against every little thing of that

[Sir Andrew Clow]

type we are going to interfere very seriously with the administration. We are at the same time—and here I am in sympathy with Sir Henry Gidney— anxious that in every possible way, where we provide an appeal, that appeal should be a real one. It is not correct that if an order is first passed in the name of the Divisional Superintendent—an appeal against that order goes to the Divisional Superintendent. If you were to bring me one or two cases of that kind, I would forward them to the General Manager.

**Mr. Lalchand Navalrai:** It is occurring every day.

**The Honourable Sir Andrew Clow:** Last year, following the debate in this House, the Railway Board considered very carefully in consultation with me the orders that they should issue regarding appeals, and issued careful orders designed to ensure that the appeal was real. They issued orders, for example, that the appellate authority should record the grounds of appeal and briefly his reasons for dismissing it, so that orders passed in the old days, like "Appeal dismissed", would no longer be permissible.

They also issued orders that the officer was not to consult his superior to whom an appeal might be, before passing the order. It is a very natural temptation for a young and probably not very experienced officer to go to an officer of wider experience, and say, "I am thinking of dismissing this man. Do you think I am right?" We have asked that that should not be done, because the effect is that when the appeal goes to the superior officer he may find that there are other facts not brought to his notice at that time and he will obviously be embarrassed. He has either got to go back on the advice he gave himself.

**Mr. Lalchand Navalrai:** The officers are not so judicially minded.

**The Honourable Sir Andrew Clow:** or reject the appeal which he feels he ought not to do. Then, the Railway Board also issued instructions designed to remove the impression which prevails, I am afraid, among a certain number of officers in junior posts, that if their orders are reversed in disciplinary cases, discipline would become weak. That is not my view, and it is not the view of the Railway Board.

But I must state that if we institute a system of revision such as Mr. Lalchand Navalrai desires, the revision would tend to become a second appeal and I feel that we have appeals and counter-checks which are very many. May I, in conclusion, just give the House a very recent personal experience? I had the unpleasant duty only a few weeks ago of dealing with a case in which the removal of an officer was concerned. This had been considered first of all, by a committee of three officers who had recorded evidence at tremendous length, then it had been considered by the General Manager, then it had been considered by the Railway Board, all those officers are working at very high pressure during the war. It had been considered at length by the Public Service Commission, and I had to devote a good portion of my time to it at a time when the Budget was under consideration. The papers had to be sent to me in a specially large box because they were so numerous. I should be the last to suggest that safeguards for members of the services in any rank should be thin or unsatisfactory, but I feel that in some cases we are in danger of losing a little

our sense of proportion by concentrating too much on the individual and too little on the needs of the services

**Lieut.-Colonel Sir Henry Gidney:** Has all *demi*-official correspondence been stopped between officers?

**The Honourable Sir Andrew Clow:** On the subject of appeals?

**Lieut.-Colonel Sir Henry Gidney.** On the subject of the efficiency of a servant The *demi*-official letter practice was the curse of the Railways at one time

**The Honourable Sir Andrew Clow:** I do not see any harm in a *demi*-official letter Perhaps I am not thinking of the same thing as the Honourable Member

**Lieut.-Colonel Sir Henry Gidney:** I refer to punishments

**Mr. Lalchand Navai.** Will the Honourable Member agree to this—that the revision might be hedged round with certain restrictions so that it may be only in a few special cases?

**The Honourable Sir Andrew Clow:** Heads of departments and General Managers have certain powers of revision but the matter must rest within their discretion I myself have dealt with cases on one or two occasions if not in the Railway Department but in another department, by way of revision

**Mr President** (The Honourable Sir Abdur Rahim) The question is "That the demand under the head 'Railway Board' be reduced by Rs 100" The motion was negatived

**Mr. President** (The Honourable Sir Abdur Rahim) The next motion, that will be taken up, is in the name of Mr Joshi

#### *Grievances of the Employees of Indian Railways*

**Mr. N. M. Joshi:** Sir, I move

"That the demand under the head 'Railway Board' be reduced by Rs 100"

Sir, the notice of this cut motion was given in order to bring to the attention of the House some of the grievances of the employees of the Indian Railways

**Mr. President** (The Honourable Sir Abdur Rahim) I must point out to the Honourable Member that the object of the cut motions is to discuss some specific matters The Honourable Member's motion refers to the grievances of the employees of Indian Railways I believe last Session pointed attention was drawn to this fact, and it has been ruled by the Chair before that the question to be raised under a cut motion should be definite, and that it should raise one particular question and should not be a roving motion like this

**Mr. N. M. Joshi:** I am very sorry that I lost sight of the ruling which you had given last year, In future I shall certainly remember the ruling and give a definite idea of the grievance which I want to ventilate In

[Mr N M Joshi]

order that there should be no inconvenience in any case to the Department I had told the Department which of the grievances of the Railway employees I would bring before this House this afternoon. Moreover, the grievances I propose to lay before the House are not new ones. Most of these are very old, perhaps some of them are ten years old and some perhaps twenty years old. I assure you that it is no pleasure to me to continue year after year to talk about these grievances. Unfortunately, the grievances on which I have to talk are not removed and if Government sometimes make an effort to remove them they do it in such a partial manner that I have to continue my work again.

Sir, the grievance which I propose to place before this House first is as regards the system of Provident Fund that exists on Indian Railways. I said that this is one of those grievances which is not a new one and year after year this is being placed before this House. I think it was two years ago that the Government of India, in a moment of generosity or, I may say, when their conscience was touched agreed to set apart a sum for extending the benefit of the Provident Fund system to the low paid employees of the Indian Railways. I have brought to the notice of the House one wrong principle which the Government of India always follow in the treatment which they give to the employees. They first provide for their employees who are better paid and who need the assistance of systems like the Provident Fund less than the low paid employees. The Government of India when they established a Provident Fund system provided for the better paid employees of the Indian Railways. They did not give the advantage of the Provident Fund system to the low paid employees but, as I said two years ago, their heart was touched and a provision for, I think, 12 lakhs of rupees was made in the Railway Budget for giving the benefit of the Provident Fund system to the low paid employees. The Government of India discussed this question with the Railwaymen's Federation and they have now given the benefit of the system to certain low paid employees. I think the Government of India have now ruled that those who get Rs 30 or more than Rs 30 will necessarily come under the compulsory Provident Fund system. For those who get less than Rs 30, they have now provided that those who have put in 16 years' service or more shall be brought on a voluntary basis within the scope of the Provident Fund system. I have not got the figures of the number of people who have got the benefit of this new provision. I know that the Government of India had provided for 12 lakhs of rupees but I am told that on account of bringing in an additional number of people on the above mentioned basis the Government of India will have to spend only six lakhs or seven lakhs of rupees. The Government should have, in my judgment, given the benefit of the system to a larger number of people, not only to a larger number of people but first to those people who get the lowest wages. I would therefore suggest to the Government of India to solve this question once for all by telling this House within how many years everybody employed on the Indian Railways will get the benefit of the Provident Fund system. I am told that the Honourable Member in charge of the Department may go to a higher post soon. Well, I wish him good luck but I would like the Honourable Member before he leaves this job to solve this question once for all. This is an old question and deals with the lowest class of railway employees. I am told that if Provident Fund is provided for all Railway employees it will cost Government an additional sum of



Rs 70 lakhs That was the estimate made by the Government of India but in these matters the Government of India make wrong estimates I just now told you that they thought that by bringing in the railway employees of over 16 years of service they will have to spend 12 lakhs of rupees but actually they have spent only a little more than six lakhs I do not know why their estimates went wrong but generally they make rather wrong estimates in this matter However, taking it for granted that the extension of the Provident Fund system to the low paid employees will cost Rs 70 lakhs, I would like the Government of India to make a scheme so that in five years time every employee of the Indian railways will be brought within the scope of this system If the Government of India want two years more, I am prepared to agree If they think that five years is too short a period to complete the scheme, let them complete it in seven years' time But let them once announce in this House that by stages, if they like in seven years' time, every employee of the Indian Railways will get the benefit of the Provident Fund system

I know the Honourable Member in charge of the Department has great sympathy for the working classes, but unfortunately sometimes he comes to a wrong conclusion on account of the very sympathy which he has got for these poor people He has a fear that some of the railway employees are very low paid and if you have a system of Provident Fund, which is a contributory system, every low paid railway employee may have to contribute out of the small earnings to the Provident Fund system This feeling is quite natural I am not saying that this is not a natural feeling But the remedy lies in the hands of the Honourable Member if some of the railway employees are paid such small wages that you do not like that they should make a provision for the future by paying even a very small portion Therefore, I feel that the Honourable Member should not be frightened by the very sympathy which he has for the poor people and be afraid of introducing a system of Provident Fund Let him raise the wages of the poorly paid people to such a level that they may be able to pay a very small portion of it for the Provident Fund But if I have a choice between putting some strain on the small resources of the poor man to keep aside a small portion for providing against his old age and having no provision at all, I would certainly ask that man to put some strain upon his small resources but not lose the benefit of the system of the Provident Fund

I do not wish to say anything more on this subject, but I would appeal to the Honourable Member that he should come to some definite decision on this point, namely, that a provision for the Provident Fund for the low paid employees will be made and that a scheme will be made That scheme should be completed within a certain period I have said that five years should be a reasonable period but if the Honourable Member wants to add two years more, I shall have no objection.

The second question which I would like to bring to the notice of the Honourable Member is this

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member has one minute more

**Mr. N. M. Joshi:** I am sorry, Sir, but I shall not take long The second question which I wish to bring to the notice of the Legislature is the

[Mr N M Joshi]

block of promotion of low paid staff The Government of India some years ago laid down certain scales of wages and salaries for the railway employees The salaries are so arranged that after a few years they reach a certain level of salaries and beyond that they cannot go unless there are vacancies in the higher grades This system has resulted in a block of promotion in most of the departments on almost all the railways Take the case of a clerk who goes up to Rs 60 per month or Rs 70 per month After 10 or 12 years he finds that for a number of years he does not get any increase in his salary on account of the fact that there are no vacancies in the higher grades The same thing happens about the workers working in workshops A man there rises up to a certain limit by getting increased wages, but when he reaches a certain level, there is a block The question of blocks in some of the departments has been brought before this House several times, for example, the block of promotion of the clerk on the North Western Railway and the block of promotion of the guards on the same railway Several such cases have been brought to the notice of the Legislature and the Government of India I would, therefore, like the Government of India to examine this question very thoroughly not only as regards the instances that have been brought before the Legislature and the Government of India but with regard to all the departments on all the railways because this grievance has been found to exist in all railways and in almost all the departments Therefore, my request to the Government of India is that they should examine this question thoroughly preferably with the help of the representatives of the Railwaymen's organisation, so that this grievance which is very keenly felt in all sections of the railways may be soon removed I hope the Government of India will give very sympathetic consideration to the grievances which I have placed before them

**Mr President** (The Honourable Sir Abdur Rahim) Cut motion moved

"That the demand under the head 'Railway Board' be reduced by Rs 100" -

**Lieut.-Colonel Sir Henry Gidney:** Sir I rise to support the motion moved by my Honourable friend, Mr Joshi I can conceive of the tremendous difficulties the finances of the Railway Board will have to face if every employee of the Railways were to be given the benefits of the Provident Fund But why make fowl of one and fish of the other If you engage a railway servant as is done with other servants of Government, you do not make such hidebound compartments and tell your employee "I will employ you, but because I choose to give you no higher salary than Rs 29 p m you cannot come within the benefit of the Provident Fund" On principle, this is wrong As regards the practice, I can conceive of the difficulties but the Honourable Member need not bother about it He has over 26 crores at his disposal but he chooses to put all that into the Depreciation Fund and the revenues of the Government which have swollen to a great extent while these worthy servants are unable to put a little bit away for a rainy day, living as they are on very small salaries Indeed their wages may be described as starvation wages But I did not understand Mr Joshi when he was elaborating his point Did he mean that these servants, who are outside the Provident Fund scheme draw such small salaries that they would not be able to stand any reduction from their salary? Am

I to understand that he wants the Railways to contribute to their Provident Fund or does he want the recipient of the Provident Fund to pay a small portion of his salary?

**Mr N. M. Joshi:** What I said was that if Government is opposing the introduction of the Provident Fund on the ground of the wages being small, then, instead of opposing it, let them increase the wages. I do not want that they should oppose the scheme.

**Lieut.-Colonel Sir Henry Gidney:** I am glad Mr Joshi has explained it. I support that proposal very whole heartedly.

The next point which Mr Joshi raised relates to blocks in promotion. This is an ever increasing disadvantage under which all railway servants are labouring today. The Honourable Member, may be he is not aware, but I am sure the Railway Board knows that many complaints have been made by these men and by the Federation and Railway Unions particularly the N U R of All India and Burma on this very matter. There is not one railway, I do believe, except may be the Bengal Nagpur Railway and the Bonihav, Baroda and Central India Railway—thank God they are Company-managed railways—I do not think there are any other railways in which blocks in promotion do not occur. I give you one instance and I am sure the Honourable Member, Mr Raper, who was till lately, the Agent of the Great Indian Peninsula Railway will remember the case. There are even today any number of men who are officiating as drivers on the Great Indian Peninsula Railway, but who have no chance of being confirmed. Their promotion is blocked.

A Member of this House said the other day that the Honourable Sir James Grigg, once the Finance Member, was muddle-headed. I say that those Railway Administrations who refuse to recognise the rights of people for promotion are "block-headed". It is really a fact amounting to a sin to slave people for all time without holding out any prospect of promotion for them. To add insult to injury—I have repeatedly brought this to the notice of the Railway Board and I do wish they would listen to what I say—a practice is being exercised today, owing to the paucity of staff, particularly experienced staff—to recall to service what is called 'dug outs'. These are retired men or men who are on leave preparatory to retirement and who are again engaged and placed in their original positions. For instance, a retired ancient Traffic Inspector, or a Loco Inspector or a Loco Foreman is dug out from his home—years after he has received his Provident Fund money and everything else—is brought back to his old job thus depriving people who have been patiently waiting for promotion and who have a right to expect to be promoted. Is this just? It is not that you have got no experienced men who can and should be promoted to Traffic Inspector or Loco Foreman or Loco Inspector. You cannot get away with this bluff.

There is another class of servants who are today smarting under this injustice. I refer to guards, shunters, drivers and clerks whose promotions are hopelessly blocked. My Honourable friend, Mr Joshi, referred to the question of guards and clerks on the North Western Railway. Indeed this is happening in the Loco Department and the Traffic Departments all over the railways and the Railway Board quietly allows the Agents to continue this unjust practice of depriving capable men of this well earned promotion. I say it is wholly wrong to do this. At the present moment when you are

[Sir Henry Gidney]

bringing in retired men, it is not right to replace them in their former jobs. I say you should not bring a man and put him in a job in which he has already spent a major part of his senior service, thus depriving the other worthy man who has been looking forward for promotion and hoping to get it when the senior man retires. I reported this matter to the Railway Board. This was brought to the notice of the Great Indian Peninsula and the East Indian Railways and I am glad to say that some steps have been taken to remedy it. The same thing is happening in Railway workshops. Recently, in the Bombay Baroda and Central India Railway, which is now under State control, the habit of keeping posts vacant has crept in. They recently brought in an aged officer who had retired years ago and put him as Head of the Statistical Department thereby refusing promotion to another particularly efficient man in the lower grade who had the right to be selected. They brought this old man, after some years of retirement, and put him in a job that he never held before. I ask is it fair to deny promotion to younger and able men waiting promotion? I submit it is wholly wrong and should be discontinued.

Sir, I support this motion very warmly and I consider the Railway Board should give serious attention to it. I readily concede that at the present moment experienced staff are not to be had easily, but, at the same time, when you have these senior appointments vacant, do not fill them with men who have been dug out. Give them to capable men who are waiting for promotion. Do just towards them. Sir I support the motion.

**Mr Muhammad Nauman.** Sir although the scope of the motion is wide enough, and probably the grievances of the railway employees are also very large, yet, I would not indulge in giving elaborate details of those grievances. I will just point out one or two of those grievances within the short time at my disposal.

My Honourable friend, Mr Joshi, while moving his cut motion, dealt fully with the question of Provident Fund to employees in the lower grade getting Rs 30 and below. First of all I want to know from the Honourable Member for Railways what happens to those who get no Provident Fund. Next I want to refer that there is a peculiar system in the case of a man who is dismissed for misconduct and in that case what happens to the gratuity.

**Lieut-Colonel Sir Henry Gidney:** Gratuity is different from Provident Fund.

**Mr Muhammad Nauman.** I know it is different but this is one of the grievances. In the case of a man who is dismissed because he has done something later on in life, why should gratuity be forfeited. His well-earned money is to be denied because he has committed something at a certain stage of life for which he is punished by dismissal. The mere fact that he is removed from service and is dismissed is probably not considered sufficient and the Government, therefore, forfeit the gratuity. This appears to me to be inequitable. I do not know whether there is any such practice in any other parts of the world, or even in India in any other department. I do not know what sense of equity demands this particular

rule I would just invite the Honourable Member to look into this question once again and see whether there could be any justification for maintaining such a rule in the Railway Board for the railway servants.

Another point which I want to bring to the notice of the Railway Board is the question of appeals, particularly against punishments.

**Mr. President** (The Honourable Sir Abdur Rahim) This motion relates only to the two questions raised by the Honourable the Mover. The Honourable Member cannot go into the question of appeals. The present motion relates only to Provident Funds and block in promotions.

**Mr. Muhammad Nauman** I just wanted to say that security of services on railways should be on the same lines as it is in other departments of the Government of India. For that, any dismissals or discharges should be subjected to the same scrutiny as it is in the different departments of the Government of India.

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member is now dealing with some other question which has been discussed already. The Honourable Member must not go beyond the terms of the motion.

**Mr. Muhammad Nauman** But the motion simply says "to discuss the grievances of the employees of Indian railways."

**Mr. President** (The Honourable Sir Abdur Rahim) True, but the Honourable the Mover confined himself to only two grievances. The Honourable Member cannot raise something else for discussion now.

**Mr. Muhammad Nauman** So far as the Provident Fund question is concerned, I have nothing more to add over what the Honourable the Mover has already said. I support the motion. I thought the motion was wide enough for me to refer to the question of appeals also.

**Mr. President** (The Honourable Sir Abdur Rahim) I have given my ruling.

**Mr. Muhammad Nauman** Then I have nothing else to say if that is your ruling.

**Mr. Jammadas M. Mehta** Sir, there are five lakhs of low paid railway workers on whose behalf this appeal has been made in the cut motion. This number reaches the half a million mark, it may be a few thousands less. After nearly ten years of persistent knocking at the door of the Railway Board, that door opened—I will not say widely, the door only slightly opened—about two years ago. After various calculations and estimates, the Railway Board came to the conclusion that if all those who are waiting to get the benefits of the Provident Fund were brought under the system, then 72 lakhs of rupees would be required every year. Within less than one year they gave 27 lakhs recurring to a few superior railway services. But these 72 lakhs were not given to five lakhs of poor workers. We were told that 12 lakhs of rupees would be provided in the first instance, and when it was found that under a voluntary system these 12 lakhs may not be required I asked the Railway Board in one of their meetings with

[Mr Jamnadas M Mehta]

our Federation what it was that they intended to do. We were promised that it was not intended to pay less than 12 lakhs, and if a sufficient number of people did not take advantage of what was offered the 12 lakhs would be spent by reducing the number of years for which that worker had served.

The calculation disclosed that if all those who had worked for 16 years or more took the benefit of this provision the amount required would be 12 lakhs. When we asked whether in case they did not all take advantage of it they would withdraw that amount, we were told that in that case they would extend it to those who had been 12 years in service or eight years, but that they had no intention of spending less than 12 lakhs. Therefore, in order that people with lesser service should come into the benefit 12 lakhs would be required. Now I find that they have made a provision not much more than six or seven lakhs. That shows that they are not bringing down the number of years of service of their low paid employees. I would, therefore, request them to bring down the number of years for which these employees have served so that the whole of the 12 lakhs may be spent in one year. But even that does not meet the full requirement of the case, 72 lakhs being the total amount required how many people will go to their graves before the whole amount is given? If they will go on providing 12 lakhs at the end of every three years, 18 years will be required for extending the scheme to all the five lakh workers during which time two and a half lakhs out of five will have either retired or gone to their graves because the normal rule is that a man cannot be in service for more than 30 years and in 18 years more than half of five lakhs will have either retired or gone to their graves and their families will be left in the streets without anything to fall back upon. One thing, therefore, that I would request the Railway Board to do is to expedite the extension of the Provident Fund contributions to the entire low paid staff. The amount required is not more than 72 lakhs, and at a time when they are earning a surplus of 30 crores they might well provide for their low paid employees the paltry sum of 72 lakhs which will be required if every one was to be covered.

But this will not happen unless they made the scheme also compulsory. Today everybody above Rs 30 is compulsorily within the benefits of the fund those below Rs 30 to whom the extension has been given are not being compulsorily brought in. For them it is left purely voluntary and these poor people, being poor as they are, already being unable to make both ends meet, will not readily agree to the Provident Fund benefits unless they were compelled. If however, Government felt sympathy with them for their low wages and did not feel like compelling them, they must either increase their wages or make their own contribution without compulsion on the workers to contribute. Some provision should be made for these poor people, otherwise, at the end of their career they will go empty handed in the streets without anything to fall back upon. Either they must make it compulsory or pay their own contribution without waiting for them and let it be made compulsory. This is particularly necessary now because on account of the war the cost of living has gone up so high and the dearness allowance given is so low that unless some compulsion were imposed there is no chance of the majority of five lakhs of people taking advantage of this provision.

On reading the *Bombay Labour Gazette* for December, 1941, I find that the cost of living of these poor employees has gone up by 29 per cent over the 1934 basic figures. And what is it that they have got by way of dearness allowance? It is not more than 10 to 12 per cent. What must be the strain on their scanty resources with the prices going up by 29 per cent and the dearness allowance being not less than 15 per cent. And the provision for Provident Fund being voluntary you can excuse these poor people for being unable to contribute to the Provident Fund. In this case I will quote the evidence of an humble employee of the railway at Jhansi. His name was Noor Khan, *Agwallah* and he gave evidence before the Rau Committee in 1940 at Bombay. The evidence given there by these poor people was a moving tragedy. My Honourable friend, the Railway Member, is even now inclined to think that he is paying something generous to the railway workers and, therefore, he thinks everything is good for them. The evidence of this man is given on pages 59-60 of the Rau Committee Report and I am sure the House will appreciate it. This man says he was getting a salary of Rs 30 as *Agwallah*, he has got four children and one more dependent, he has got a debt of 450 rupees with the *Sahukar* and he would have incurred a debt from the Railway Co-operative Society if it was possible, he is paying Rs 4 to 5 by way of deduction for his debt, etc. When asked, how he carried on and what he would do, he said, he did not himself know, all that he could say was that his salary was Rs 30, and outgoings more. He was unable to cope with the rise in the cost of living. And this was not the worst case. There were people who borrowed money from their fathers-in-law, who sold their wives' ornaments, who wore a smaller *dhoti* than they used to wear, who denied milk to their children, who took their children off from school. These are the classes from whom, in this year of war Rs 30 crores is your surplus. I am asking the Railway Board to do something in the matter of increasing their total remuneration.

About blocks in promotion the less said the better, this evidence the Railway Board should read. People on Rs 100 per month were obliged to borrow in order to keep themselves alive. That is the evidence, and, therefore, I say that these blocks in promotion to which reference was made by Mr. Joshi whom I heartily support, should also be lifted, either by increasing their salary or by increasing the percentage of jobs in the higher grade or in some other way. Fancy a man for 19 years, for 15 years and for 12 years being blocked up at the highest of his grade which may be 50, 60 or 70 rupees. The Coaching Clerks at Bombay Central are blocked up at Rs 70. The Ticket Examiners in G. I. P. Railway are blocked up at Rs 50. The Guards for want of amalgamation of grades on the North Western Railway are blocked up below Rs 70, and all these people are starving in order that the Railway Board can earn a surplus of 30 crores. This appeal therefore, is made in the name of human touch—not the Gidney touch.

**Lieut.-Colonel Sir Henry Gidney.** What is that touch, and how does it differ from the Jamnadas Mehta touch?

**Mr. Jamnadas M. Mehta.** Perhaps, the human touch and the Gidney touch is identical, perhaps it is not. But, Sir, I submit that in view of all the facts I have stated the dearness allowance is wholly inadequate—29 per cent rise against 15 per cent dearness allowance—and then they

[Mr Jannadas M Mehta]

are surprised when sometimes there are strikes, and they want there should be unhampered production. You must also see that the poor men at least get a square deal even in these days when they have got to live with such low incomes. Above all, these blocks in promotion and these Provident Fund grievances and the dearness allowance should be remedied if the Railway Board and the Government are to appeal to the workers in the name of the war needs, and the safety of the community and the State. The workers will go on producing, adding supplies, adding transport, but they demand a square deal and full two meals, that their children shall not be left to die in the streets and, above all, for 19 years they shall not be blocked at the same amount.

**The Honourable Sir Andrew Clow.** Sir, the debate has centred round two questions, mainly round that of Provident Fund and, to a less extent, round that of blocks in promotion or, as I have seen them described in memorials, blockades. Now, this phenomenon of 'blockade' is a rather curious one. In the old days most Government servants were on fixed grades of pay and they had to wait for promotion until their superiors died or disappeared. And then, in later years, there has been a tendency to move to incremental scales. The feeling has been—and I do not contest it—that incremental scales make on the whole for greater satisfaction and contentment. But it has produced a curious reaction because it is quite clear that in the minds of a good many employees there is a grievance if increments are not continuous. There is a 'blockade' if one is not going on getting increments and if one's pay does not always rise. Now, it is a very rare phenomenon, I think, outside Government service, for pay to rise continuously and, obviously as all services are on a pyramidal basis, so that the higher the fewer in the matter of posts, it is not possible to provide continuous promotions for every one. Nor, I am afraid, can I conceive that it is necessarily a grievance, because a man has remained on the same rate of pay for a number of years while he has been doing exactly the same kind of work. At the same time we have examined one or two cases where the grading appeared to us to be unreasonable and also retaining men for too long on a particular scale of pay. Mr Navalrai pleaded eloquently for one or two years in this House for a number of workers on the North Western Railway, and during the last year or so we have added about five hundred posts.

**Mr Lalchand Navalrai** 503

**The Honourable Sir Andrew Clow.** Thank you. We have added about 503 posts to the upper grade mainly because we felt that the demarcation between the two grades did not correspond with sufficient closeness to the duties that were performed by the two grades collectively.

**Mr Lalchand Navalrai.** There are some 11,037 in all and you have only

**The Honourable Sir Andrew Clow.** I have no doubt that the Honourable Member has got the figures on his finger tips, but we have up graded a good many men.



**Mr. Lalchand Navalmi** But nothing for Guards

**The Honourable Sir Andrew Clow** Guards have better prospects of promotion in other directions

Sir Henry Gidney went on from that to the difficult question of the employment of retired officers, and he raised the particular case on the Bombay, Baroda and Central India Railway. Fortunately, owing to his having previously raised this with the Railway Board, I have the particulars in front of me and I find that in the present case the officer who held the post from which promotion is normally made was only 35 years of age and had only been in the post since another gentleman retired at the end of December, 1939, about two years ago. I do not think, therefore, that that can be cited as a case of any serious hardship. There are undoubtedly cases of hardship in which retired officers are taken back, or even when an officer is given an extension. But I am afraid we have to look, as I said in an earlier speech, rather more to the community than to the individual and we have to try to remember that these things, which are a result of the war, are comparatively minor hardships compared to those that many others are suffering.

**Lieut.-Colonel Sir Henry Gidney** This man was put in a post he never held before

**The Honourable Sir Andrew Clow** That is true. In this case there was no candidate for the post except a young man with extremely short experience.

Now, Sir, I come to the bigger question of the Provident Fund. Mr. Jajnadas Mehta put the thing in a rather wrong perspective when after referring to a large surplus this year—a surplus of which we on the Railway side are only being allowed to retain a small proportion—referred to a paltry sum of 72 lakhs. Well, to me 72 lakhs is not a paltry sum, but I will say this that if I could extend the Provident Fund to everybody on the Railway by spending a paltry sum of 72 lakhs I would try to do it. But, unfortunately, it is not a paltry sum of 72 lakhs. It is a sum of 72 lakhs a year which is a very different thing. It means 72 lakhs will be paid, not only during my tenure but by my successors for many years to come, and who knows what the position may be then? Actually, we did set aside a sum of 12 lakhs and I admit that the full amount is not being spent.

Mr. Joshi said our estimates went wrong. Well, to a certain extent they did, because they involved a factor that we could not calculate and that was the proposition of men to whom the offer was made who would accept it. I think that so long as we are not in a position to bring everybody in, the optional system is a reasonable one, because it gives the Provident Fund to those who desire it most and who are best able to meet the charges involved. I believe it is quite right that the men who have hitherto joined—and of course the men can still change their minds—involve an annual payment at present of between six and seven lakhs, although that sum will rise later. But I can undertake that we are not anxious to secure a saving here and the Railway Board

[ **Sir Andrew Clow** ]

will discuss with the All-India Federation the possibility of further extension, probably by reducing the age limit of service which at present is applicable. I would, however, point out that even as regards the most poorly paid employees who, as **Mr Jamnadas Mehta** said, went open-handed, they do not go empty-handed or open-handed, because even the employees in the lowest grades are entitled to a gratuity which I think is legal provident fund also. They get a gratuity of half a month's pay up to a maximum of thirty times that—that is, 15 months pay when they leave, and that is not the average pay throughout their service, but the pay they were drawing at the end of their service.

**Mr Joshi** reminded me that others also get it, which is a tribute to the generosity of the railways.

**Mr N M Joshi** Do not be generous to one class of people only.

**The Honourable Sir Andrew Clow** But that is not by any means a negligible bonus with which men leave, although, personally, I should like to see an increase. I hope, therefore, that these discussions with the Federation will result in the extension of the offer to a larger number of men and to a greater measure of contentment all round.

**Mr President** (The Honourable **Sir Abdur Rahim**) The question is That the demand under the head 'Railway Board' be reduced by Rs 100.

The motion was negatived.

**Mr President** (The Honourable **Sir Abdur Rahim**) I do not think the unattached Members have any other motion.

**Mr. Jamnadas M Mehta**. Will you allow another labour motion, Sir? I have got some.

**Mr President** (The Honourable **Sir Abdur Rahim**) I cannot upset the arrangement arrived at between the Parties.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 26th February, 1942.

## LEGISLATIVE ASSEMBLY

Thursday, 26th February, 1942

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

### STARRED QUESTIONS AND ANSWERS

#### (a) ORAL ANSWERS

##### BIHAR CONGRESS MINISTRY'S MEMORANDUM FOR GIVING MILITARY TRAINING IN EDUCATIONAL INSTITUTIONS

102. \*Mr Govind V. Deshmukh\* Will the Defence Secretary please state if the Congress Ministry in Bihar, before its resignation, submitted memoranda to the Government of India for giving some military training in schools and colleges in Bihar and for the training of air pilots? If so, were these scotched by the Central Government and if so, what were the reasons for doing so?

**Sir Gurnath Bewoor** Sir, with your permission, I will reply to question No 102 and question No 103 together

(a) A scheme on the lines mentioned by the Honourable Member was forwarded by the Government of Bihar on the 8th April, 1939, but Government are not aware whether it was drawn up with the approval of the Governors mentioned. The scheme did not include the training of Air Pilots

(b) The Government of India replied on the 26th July, 1939, to the effect that certain aspects of the scheme had their full sympathy and that they would do all in their power to render assistance. They pointed out at the same time the constitutional and practical difficulties in implementing the other features of the proposal

**Mr Govind V. Deshmukh** May I know, Sir, what were the constitutional difficulties referred to in the answer?

**Sir Gurnath Bewoor** The constitutional difficulty was, Sir, that defence is a central subject

**Mr N M Joshi** May I know, Sir, which features of the scheme were approved by the Government and which features of the scheme could not be approved by them on account of the constitutional difficulties?

**Sir Gurnath Bewoor** I have mentioned that it was a question of military training. It was pointed out that military training is a central subject and it can only be undertaken by the centre

**Mr. K. O. Neogy** The Honourable Member stated that certain aspects of the scheme had the sympathy of the Central Government,—which were these aspects?

**Sir Gurunath Bewoor** It is a very big scheme. It is difficult for me to give all the details. I have got the correspondence with me, but so far as it related to physical instruction, the scheme had the sympathy of the Central Government which offered to find suitable instructors for the purpose.

**Mr. Govind V. Deshmukh** Did they not ask for some people to instruct students in order to start a college of instructors, and could those men not be supplied by the Army Department?

**Sir Gurunath Bewoor** I have pointed out that the scheme was for military training, and the Central Government pointed out the difficulties in the way.

**Mr. Govind V. Deshmukh** Sir, there were two schemes. First a memorandum was submitted for starting a school to give military training to boys as well as for training them as Air Pilots. The other referred to a military college for instructors. You have always been complaining that you had no instructors, and the Bihar Government wanted to start a college for instructors. Could you not have supplied some persons from the Military Department to help the Bihar Government to start this college for instructors?

**Sir Gurunath Bewoor** The college was for giving military instruction in schools and colleges.

**Mr. N. M. Joshi** May I know, Sir, whether the Government will lay the correspondence on the table of the House?

**Sir Gurunath Bewoor** No.

**Mr. Govind V. Deshmukh** When the Defence Department refused to supply instructors to any Provincial Government may I take it that it was because it was a central subject and the Government was unwilling to interfere in the matter, or was it because that they were short of instructors?

**Sir Gurunath Bewoor** This was in 1939. At that time the Central Government pointed out the constitutional and practical difficulties. The correspondence was not pursued by the Bihar Government.

**Mr. K. O. Neogy** The Honourable Member pointed out the constitutional difficulty, but what were the practical difficulties?

**Sir Gurunath Bewoor** The practical difficulties were the finding of a sufficient number of instructors at the time.

**Mr. Govind V Deshmukh** May I know if between 1939 and 1941 the demand of such Universities which approached the Defence Department for supplying Instructors was met or complied with?

**Sir Gurunath Bewoor** I don't see how the Universities come in. This question relates to the Bihar Government scheme.

**Mr. Govind V. Deshmukh** This arises out of the supplementary answer given to my supplementary question. May I know whether, if there were a sufficient number of Instructors then, they could not be supplied by the Defence Department? I refer to the Bombay University proposal, if there were Instructors could you not have supplied them?

**Sir Gurunath Bewoor** The Bombay Government did not ask us at that time. Only recently they asked us.

**Mr. Lalchand Navalrai** May I know if Instructors are now available, and if the Honourable Member will supply Instructors if they are asked for?

**Sir Gurunath Bewoor** Instructors for whom?

**Mr. Lalchand Navalrai** Instructors for the college that is going to be opened.

**Sir Gurunath Bewoor** It is not going to be opened. So far as we are aware, the Bihar Government has dropped the scheme. We have not heard anything further after the reply we gave in 1939.

**Dr. P. N. Banerjee** There is no Government in Bihar now.

**Sardar Sant Singh** May I know, Sir, if the constitutional difficulties which the Honourable Member mentioned are such as to prohibit absolutely the Provincial Government from undertaking any sort of military training?

**Sir Gurunath Bewoor** I mentioned that we pointed out the constitutional difficulty that defence was a central subject and therefore military training must be undertaken by the Central Government.

**Mr. Govind V. Deshmukh** May I have an assurance from the Honourable Member that if any University now approaches the Defence Department with a similar request, it will be complied with?

**Mr. President** (The Honourable Sir Abdur Rahim) It is a hypothetical question.

**Lieut.-Colonel Sir Henry Gidney** In view of the fact that Government is in urgent need of officers today, I take it they are prepared to accept any scheme that comes within their administrative powers and I should like to know whether or not Government is prepared to supply Instructors to institutions of this kind when they are started?

**Sir Gurunath Bewoor** At present we require all the Instructors for our own military training centres. We are training thousands of suitable young men for the officer ranks.

**Lieut-Colonel Sir Henry Gidney** Does the Honourable Member really mean that Government does not today possess Instructors in sufficient numbers to supply Instructors to others?

**Sir Gurunath Bewoor.** Yes, Sir, I have stated so before.

**Mr. Govind V. Deshmukh** May I know, Sir, since when are the Government short of Instructors?

**Mr. President** (The Honourable Sir Abdur Rahim) Next question.

**BIHAR CONGRESS MINISTRY'S SCHEME FOR STARTING A MILITARY COLLEGE  
FOR INSTRUCTORS**

†103 **\*Mr. Govind V. Deshmukh** Will the Defence Secretary please state

- (a) if any detailed scheme to start a military college for instructors, who could train students in schools and colleges and later citizens in general, drawn up by the Bihar Congress Ministry with the approval and help of the Bihar Governors, Sir Maurice Hallet and Sir Thomas Stuart, was forwarded by the Bihar Congress Government to the Government of India and a request was made to supply them with dummy rifles and retired military officers, and
- (b) if repeated reminders were sent by them to get a reply to their memoranda and requests referred to above, after what interval, if any, the reply was given, and what the Government's reply was?

**RIGHT HONOURABLE MR. A. V. ALEXANDAR'S STATEMENT ON WAR POLICY  
IN EUROPE AND IN THE FAR EAST**

104 **\*Mr. Lalchand Navalrai** (a) Will the Defence Secretary be pleased to state whether it is a fact that the Right Honourable Mr. A. V. Alexandar, First Lord of the Admiralty, made a statement on or about Saturday, the 10th January, 1942, to the effect that "Britain should never take her eyes off the Centre—the Axis powers of Europe. If we can knock them out, we can do what we like with the Japanese afterwards"?

(b) Is it a fact that Britain is more concerned about the situation in Europe than either in the Far East or elsewhere?

(c) If not, why was the statement referred to in paragraph (a) above made by the First Lord of the Admiralty?

(d) Is it a fact that Mr. Alexander further stated that Britain had in the meantime to hold on in the Far East because she had a duty to perform to the Commonwealth?

(e) Does the Commonwealth, envisaged by Mr. Alexander, include India?

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† For answer to this question, see answer to question No. 102

(f) Are Government aware that the above statement is viewed in India as a dangerous statement causing alarm?

(g) Have the Government of India taken any steps to protest against such statement? If so, with what result? If not, why not?

**Sir Gurnath Bewoor:** (a) and (d) Government have seen in the public press a report to this effect

(b) The statement of the First Lord of the Admiralty does not appear to admit of the interpretation which the Honourable Member seeks to put upon it

(c) Does not arise

(e) I cannot answer for Mr Alexander, but India is included in the usual use of the term 'British Commonwealth'

(f) Government have no reason to believe that it is so

(g) No, as Government see no justification for taking any such steps

**Mr. Lalchand Navalrai** May I know what interpretation was

**Sir Gurnath Bewoor** That portion of the question was disallowed by the Honourable the President

**Mr Lalchand Navalrai:** May I know if this statement was intended to show that stepmotherly treatment is given to India, and everything should be done for Europe?

**Sir Gurnath Bewoor** It is open to the Honourable Member to put his own interpretation on the statement of the Right Honourable Mr A V Alexander, but as I have pointed out, our view is that that statement does not appear to admit of the interpretation which the Honourable Member seeks to put on it

**Mr Govind V Deshmukh:** Is the Honourable Member aware of the apprehension created in the public mind by a similar statement made by Mr Curtin, the Australian Minister?

**Sir Gurnath Bewoor:** I am not aware of it

#### ACCIDENT CAUSED TO TWO CLERKS BY A MILITARY LORRY ON THE STATION ROAD, DELHI CANTONMENT

**105 \*Bhai Parma Nand:** (a) Will the Honourable the Home Member be pleased to state if it is a fact that two clerks of the Central Ordnance Depot, Delhi Cantonment, while returning home on bicycles at about 2 p.m. on Saturday, the 1st November, 1941, were run into from behind by a military lorry on the Station Road, Delhi Cantonment, one being slightly injured and the other seriously?

(b) Is it a fact that these two clerks were picked up by a military officer and admitted in the Indian Military Hospital, Delhi Cantonment?

(c) Have the Police authorities been able to trace the driver of the Military lorry, and, if so, with what result?

(d) What action have the Military authorities taken against the driver?

**The Honourable Sir Reginald Maxwell** (a) and (b) Yes, but neither of the clerks was seriously injured. They remained in the Indian Military Hospital for only one day and were then discharged at their own request.

(c) and (d) The driver was traced and in accordance with the usual practice in cases of this kind the case has been handed over to the military authorities who will no doubt take appropriate action.

### THE FEDERAL COURT (SUPPLEMENTAL POWERS) BILL

#### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

**Dr. P. N. Banerjee** (Calcutta Suburbs Non-Muhammadan Urban) Sir, I present the Report of the Select Committee on the Bill to confer supplemental powers on the Federal Court

### THE RAILWAY BUDGET—LIST OF DEMANDS—*contd*

#### Second Stage—*contd*

**Mr President** (The Honourable Sir Abdur Rahim) The House will now discuss the Railway Budget

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non Official) May I make a statement with your permission? 'Tomorrow this House is sitting to discuss in secret certain questions in relation to the army and the defences of India. May I request you on behalf of a large number of Members of this House, and through you, the Leader of the House, to say whether he is prepared to make a statement today indicating to us what procedure he will adopt tomorrow so as to give us some opportunity of being able to utilise the position with an intelligence which would be denied to us if he does not do so? We do desire to have a useful discussion, but we would like to know what line the Government are going to take? Are we going to have a series of lectures as we had in the various Consultative Committees

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member need not make a speech for that purpose

**Mr Lalchand Navalrai** (Sind Non Muhammadan Rural) May I also say

**Mr. President** (The Honourable Sir Abdur Rahim) I cannot allow Members to raise a debate now

**Mr Lalchand Navalrai** I only want to know, Sir, whether we can send in questions or not

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member may do whatever he likes in accordance with the Rules and Standing Orders



**The Honourable Mr M S. Aney** (Leader of the House) A motion will be formally moved by me with a preliminary speech. Then His Excellency the Commander in Chief will make a statement in the House, and there will be a debate. Then, in the end, there will be a reply on behalf of the Government. That will be the procedure.

**Mr. Lalchand Navalrai:** Should we send in questions?

**Mr President** (The Honourable Sir Abdur Rahim) Order, order.

I think it is now the turn of the European Group to move their out motion.

#### DEMAND No 1—RAILWAY BOARD—*contd*

##### *Revision of the Convention of 1924*

**Sir F E James** (Madras European) Sir, I beg to move

That the demand under the head 'Railway Board' be reduced by Rs 100 "

Sir, the purpose of this cut motion is not to reduce the resources of the Railway Board, but to raise a discussion on this matter, and I can assure the Honourable the Communications Member that this motion is moved almost "*con amore*". I never understood why the Convention of 1924 is called the convention. It is no more a convention than it is a convective. It is a resolution which lays down, with the full sanction of the Legislature, the principle of the separation of railway from central finances, and the basis on which that separation is to be conducted. I have looked up the previous debates on this subject, and I find that there is a very large measure of agreement as to the necessity for revision. I find the Public Accounts Committee recommending it some years ago. Two of our own Leaders on previous occasions recommended it, the Commerce Member in 1936 recommended it.

**An Honourable Member:** Those were years of depression.

**Sir F E James:** The Muslim League, so ably represented in the House today (The Muslim League Bloc benches were empty at this stage) also recommended it. The then Finance Member, Sir James Grigg, recommended it in 1937. And here may I digress and say how glad I am sure the House is that the British Government have found it necessary to enlist his pugnacity and ability in their service.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) After his experience of India

**Sir F E James:** One may look to his enlivening the debates in the House of Commons. I think the epithets which he was accustomed to use here are better understood there than they were here. The Railway Standing Finance Committee at a meeting held only the other day recommended revision, and the Honourable the Communications Member on two occasions has referred to it. Last year he said that the basis of the convention was really too heavy a burden on the railways in normal

[Sir F E James ]

times, and this year he has opened his defences by saying that he proposed to move a continuance of the moratorium for one year only. The understanding that I derive from that phrase is that he is prepared to undertake a consideration of revision in the meantime.

Now, Sir, this convention, Members will remember, divides itself into three main parts, the first part dealing with the financial aspect of separation, the second part with the control of expenditure, and the third with policy in connection with Indianisation and State control. As far as the last part is concerned, that was really a direction to Government on the part of the Legislature as to Indianisation and State control. I claim that that direction has been now translated into a settled policy which has been faithfully pursued and zealously carried out.

With regard to financial control of expenditure there are a number of points which I should like to make. First of all, there is laid down in the convention that the Railway Budget must be presented to the Assembly in a separate form and prior to the presentation of the General Budget. I have always wondered why it was considered necessary to present two separate statements, one to this House and one to the other House. I should think that it would have been much more convenient to have one presentation at a joint Session of both Houses. Anyhow, there is no provision in the convention for the presentation of a statement to the other House. However, that is a small point, but one that might be considered by the Government, because a good deal of waste of time, energy and material must go into the making of two separate statements. They have got to be the same in substance, but I understand it is a convention that the Chief Commissioner for Railways cannot make identically the same speech, and, therefore, the same statement has to be made in different words. The second point refers to the Standing Finance Committee for Railways of which I have been a member for some years, and which I regard as a very useful organisation. We are a very friendly body, sometimes a trifle irrelevant, and at times there has been a tendency on the part of the Committee to concentrate upon arranging its meetings at attractive places. I am glad to say that in recent years we have concentrated more upon the work on hand, and the work on hand is a detailed scrutiny of the estimates, capital programmes and new schemes involving expenditure. The longer one is a member of that Committee, the more useful one finds it, though I do not know what the Government think of it. I should imagine they would be glad to welcome the opportunity of the detailed scrutiny which this Committee is expected to make of the accounts.

The third observation which I want to make is in respect of the Central Advisory Council for Railways, which I regard as now a useless and redundant body. I quite admit that it is useful to the Communications Member because at the meetings he does sometimes get an advance performance of what he gets later in the House. But it does not fulfil the original purpose of the Acworth Committee, and that was that there should be a Council for Railways, a counter-part of the Advisory Committees which have been set up in the various railway administrations. I have found during my membership of this Council that

the interest of its members reaches its highest point when canvassing for election to the various Railway Advisory Committees at the headquarters of Railway Administrations

**The Honourable Mr M. S. Aney** (Leader of the House) Is not that the only organisation through which the Members of the Council of State are in a position to take some intelligent part in the administration of the railways?

**Sir F. E. James.** It certainly is the only organisation of its kind on which they are now represented, but whether it does give them an opportunity of taking an intelligent part in the administration of the railways is a matter for doubt. I have no time to go into details on that point, but I do suggest that if the convention is to be revised, that part may well be revised with profit to all concerned.

The third part of this Resolution deals with the financial clauses relating to the basis on which the separation of railway from general revenues has been carried out. These clauses, as the House knows, have been dead for some time because of the moratorium, but they won't lie down! The moratorium which occurs with somewhat distressing regularity really is in itself an admission that the Convention has broken down under existing circumstances and therefore revision is needed. Now, Sir, what directions should revision follow? Well, I would suggest that these are adequately laid down in section 186 of the Government of India Act. Apart from working expenses and other payments of a regular character, such as pensions and interest charges, we suggest that any future revision should provide for three main things. First of all, a regular contribution from revenues to be used for the purpose of betterment and improvement, possibly based upon the percentage of the gross earnings over a period of years, taking a period of years for an average. Secondly, a general reserve fund to meet deficiencies and other contingencies which in any case should be less than five per cent of the capital at charge. Thirdly, adequate provision for a Depreciation Fund. I have seen lately a good deal of criticism about the Depreciation Fund as to the amounts which are being collected and as to the method by which that collection is made. While in theory it may be preferable to base your allocations to the Depreciation Fund upon an orthodox commercial method, so that wasting assets are replaced by their original cost, we are on the whole satisfied, after taking into account assets such as land and the fact that the present basis of the calculation was the result of very careful investigation in the past,—we are on the whole satisfied that  $\frac{1}{10}$ th of the capital at charge is a reasonable approximation of the equated life of the assets that could be arrived at by scientific calculation. I would add to these three the desirability of investigating the necessity for the establishment of an amortization fund. I would here refer Honourable Members to the extremely able chapter in the Appropriation Accounts of Railways in India for 1934-35 written by the late Sir P. R. Rau, one of the ablest Financial Commissioners for Railways that the Government of India have ever had. Now, Sir, I have no time to do more than sketch these general indications as to the lines upon which revision should take place.

My next point is that if the moratorium is now to be extended only for 12 months as the Honourable the Communications Member seemed

[Sir F E James]

to suggest, it will be a very great mistake to go back to the basis of the Resolution of 1924. It is true that the special needs of the taxpayers in abnormal times must be considered but I would remind the Honourable the Finance Member of the words of his predecessor in 1937

"It would be a wise thing for the Railways to accumulate reserves and there is a certain fear that the powers of building up reserves, which in the long view, should be abandoned for the short view of extracting the greatest possible benefit to the Central Exchequer."

The present policy is to withhold as much unnecessary capital expenditure as possible, so that the Railways will, when the days of difficulty come after the war, be able to embark upon large schemes which will enable the country to take up the slack in employment which is likely to happen as a result of the demobilization of industry and the defence services. After the war, therefore, a great deal of money will be required to put the Railways back into good running shape. In 1941, that is last year, the Communications Member expressed the hope that this House would not forget the services which the Railways had been able to render during the war and would be ready when peace is restored to give the Railways generous treatment. That is why we plead for an investigation into the basis on which the new Resolution to replace the 1924 one should be based. The Railways are entitled to receive, not necessarily generous treatment but at least just and scientific treatment in regard to finance, a treatment which so far they have never really received under the existing Convention. It will not be enough for the Honourable the Communications Member after the war to say to the Railways "Well, boys, you have done a splendid piece of work. We have pinched your surpluses, dismantled your lines, worked your existing tracks beyond their ordinary resources. We have used up most of your existing locomotive power. We have put a heavy hand upon capital expenditure. Now, in return for all this, we are going to return to you the Convention of 1924 which at best places extremely an heavy burden upon you in good times and in bad times and makes it impossible for you to do even what you ought to do is a commercial undertaking." I am aware that this relation between the Railways and general finances is not an easy one. It cannot be a cut and dried relationship because on the one hand there is the desirability as far as possible of applying commercial principles to railway finance, while on the other hand there is the interest of the taxpayers who are vitally interested in the returns which the general revenues may get from the Railways. I do claim, however, that the Convention of 1924 has not, on the long view, been just to Railways. We feel, therefore, that a case has now arisen for an investigation. Do not let the House leave it until after the war. When peace comes, as peace will come with victory, the Railways will have to turn to reconstruction. Let them turn to that reconstruction feeling satisfied that from the financial point of view justice is being done to them. Sir, I move

**Mr President** (The Honourable Sir Abdur Rahim) Cut motion moved  
"That the demand under the head 'Railway Board' be reduced by Rs 100."

**Mr. Jamnadas M Mehta** (Bombay Central Division Non-Muhammadan Rural) Sir, I had the privilege of being associated with this Convention in 1924 and I have watched its working with the greatest

attention and I do feel that the time has arrived when its revision should be undertaken. At the same time I wish to make it clear that if any revision takes place it ought to be binding on the Railway Administration.

**Mr. N. M. Joshi** (Nominated Non Official) How can you make it binding?

**Mr. Jamnadas M. Mehta** If we can make it. If we cannot, we cannot. One of the two parties to that Convention must honestly abide by it and the House should very zealously watch that no infringement of its substantive articles should take place. That unhappily has not happened during the last 18 years. Today the Convention is more or less a dead letter in many substantial aspects. My chief complaint against the Convention was that it is a burden on the railway revenues to an extent which is not reasonable for the fact that the railways are a monopolistic body and the fact that they have not paid for many of the concessions which the State has given to them and also because they are not supposed to pay income-tax and also for the reason that for many years there had been a dead loss to the taxpayer. The figures of this loss are given in the report of the Acworth Committee. For that reason the State should get some reasonable return for the services which it has rendered, for the loss it has borne and also for the concessions which the railways enjoy. I agree that so long as you pay one per cent on the capital at charge you are none too generous to the taxpayer and you are paying what it is reasonable for you to pay. But when one per cent on the capital at charge is paid, there is a subsequent provision that one-fifth of the remaining and one-third of any surplus that remains thereafter beyond three crores should also be paid to the State, that is an unreasonable diversion of railway revenues. I would, therefore, support any revision in which the State gets one per cent on the capital at charge and the rest remains with the railways.

One of the reasons why I say this is that the surpluses are used for non-railway purposes. The rates and fares are not reduced and crores are going to the general taxpayer without improving the railways or benefiting their customers. That is precisely what the Acworth Committee did not want. The Acworth Committee definitely stated that these surpluses should be used for the improvement of the railways themselves or should be distributed among the customers of Railways by a reduction of rates and fares. You will find it in the report of the Acworth Committee. That is not done. On the contrary, the greater the surplus the greater is the burden on the customer of the railways. That is what we have seen until in the last six years, the burden has increased by ten crores. I may remind my Honourable friend, the Railway Member, that in the Memorandum itself they have admitted that the increased revenues from these rates and freights since 1936-37 will be somewhere near seven crores. I have no doubt that if it is thoroughly examined with the additions that are now being proposed, ten crores will be the additional amount taken. All this is precisely against the Acworth Committee's recommendations. Therefore, I do not want the State to get more than one per cent.

The second point which I wish to emphasise is that the Depreciation Fund accumulates at a speed which is unhealthy. You have now found after 18 years of experience that the Depreciation Fund that is allocated out of revenues is never wanted more than 50 per cent. You are able to make 35 crores of loans for the purpose of payment of interest out of that

[Mr Jamnadas M Mehta]

fund, and for the rest it remains to be used in the balances of the Government of India at a moderate rate of interest. We must revise the amount required for the Depreciation Fund. At least in one railway—I forget the name, I gave it years ago to the Railway Board—the depreciation set aside was one seventh of the operational cost. Supposing your stock is not used to some extent in a particular year, then there could be not much of a depreciation. There may be some but not much. If 500 of your engines have not been found necessary in one year or 15,000 of your wagons were not required, what depreciation can be there? Therefore, in one of the railways the test of depreciation is the extent of the operation of the rolling stock in that year and that is presumed to be seven per cent of the operative cost. This suggestion I am putting forward for consideration when the time for revision comes, so that there may be no undue burden on the revenues and depreciation will be scientifically provided.

My last but one point is that while the Convention is in force, depreciations are made on railway revenues without any justifiable reason. When the railways pay for all the working expenses, when they pay for all renewals and replacement and when they definitely collect a depreciation fund in the middle of the year steps are taken to withdraw from the railway revenues additional sums which go to conceal the surplus and the heaviness of rates and fares. Only year before last, without any provision in the Convention 30 lakhs of rupees per year were removed from the railway revenues for the purpose of capital works because they are called small capital works and thus by a back door, addition is made to the depreciation charge. Those small renewals are not now to be made from the Depreciation Fund, they are made from revenue. It means that you are adding to the Depreciation Fund surpluses without justifying the addition. What amount in that way is taken, I do not know. Also interest is being charged on capital work from revenue and it has in my opinion taken away many more lakhs per year. The amount by now must be in the neighbourhood of 40 crores. In that way, the capital amount is concealed and the railways are under capitalised.

As regards the last recommendation made at the end of the Convention to which my Honourable friend, Sir Frederick James, referred, it has been killed before it came into force. We wanted Indianisation, what has happened is communalisation. Indianisation is not proceeding as fast as it should.

**The Honourable Sir Andrew Clow** (Member for Railways and Communications) I would submit, Sir, that this hardly arises out of the question of the financial Convention.

**Mr. Jamnadas M Mehta** I am not raising it. I have no time to raise it, it is useless to raise it. But as it is a part of the Convention I am expressing my honest conviction as to what you have done to the Convention. You have torn it to pieces so far as the additional recommendation of the Assembly of 1924 is concerned. The Europeanisation remains where it was and communalisation has been added. Altogether the Convention is honoured more in the breach than in observance. This and several other reflections arose in my mind. I am not going to amplify them because there is too much sadness in my heart because a commercial organisation is being prostituted for political and communal purposes.

You talk of commercialisation of railways, you have de-commercialised them by many of the provisions which you have broken. Therefore, Sir, I support the general demand for a revision of the convention. I associate myself entirely with its main principles, it is a most healthy financial administrative measure. I do not agree that any of its main provisions can be touched without doing harm both to the railways and to the general finance. The principles underlying the convention are deeply rooted in sound financial rectitude and I can only say that whatever changes are made we will keep inviolate the main principles of the convention and will carry them out more honestly and sincerely in all their aspects as recommended by Sir William Acworth.

**Mr N M Joshi** Sir, I am glad that this discussion on the question of the separation of railway finance from the general finance is taking place today. Like my Honourable friend Mr Jammadas Mehta, I too happened to be a Member of the Assembly at that time and, if I remember aright, I was also a Member of the Committee which was set up by the House to consider this question. Today, Sir, I do not wish to go into the financial aspects of this convention. Generally speaking, I approve of the terms laid down in the convention for the adjustment of the claims of the general taxpayer and of the users of the Indian railways as set down in that convention. What I propose to speak about this morning is the parliamentary control of Indian railways. Sir, if I remember aright at that time the Legislature insisted that in order to keep parliamentary control over Indian railways and railway finance, there should be full and adequate discussion of the Railway Budget in the Legislature. I think it was set down in the report of that Committee at that time that about a week or six days should be spent in discussing the Railway Budget. I do not remember the exact number of days, but the intention of the Legislature was that before they agreed to the separation, the Legislature must insist that the Railway Budget should be adequately discussed.

Sir, I do not wish to make a complaint about what is happening in the House today. Some years ago, we used to spend four days in discussing the Demands for Railways. Now the number of days is reduced to two. I feel, Sir, that this reduction of the number of days is against the convention which was set up by the Legislature at that time. The number of days is reduced on the ground that some Honourable Members of the Legislature absent themselves. Sir, is that the reason why the claims and the right of the Legislature should be taken away. After all, the number of speakers who can speak in four days cannot be larger, but there are enough number of speakers here to discuss the Railway Budget even for four days, and if I may say so, if there are six days, they would also take a very useful part in the debate for six days. I, therefore, feel that this aspect of the convention should be placed before our minds when we consider the terms on which the new convention should be based.

Besides the discussion that takes place in the Legislature, there is another method by which the Legislature tries to keep control over the railway finances and that is setting up a Committee called the Standing Finance Committee for Railways. One remark which I should like to make on the working of the Standing Finance Committee for Railways is about its report. I have seen reports made by the Standing Finance Committee for Railways. The reports only give the result of the discussion, but we know very little about the discussion that takes place. Sir, I have studied the reports of the Committees which the House of Commons sets

[Mr N M Joshi]

up in Great Britain and the Reports of the Committees there generally contain full discussion so that the legislature knows what the Committees do and how the Committees do their work. Here, Sir, the House has very little opportunity to judge how its Committees do their work. We hardly know how the Committee votes, the Legislatures do not know how their representatives work on the Committee. I, therefore, feel, Sir, that when the new convention will be discussed, this aspect will also be borne in mind, that the Committee must be responsible to the Legislature, and in order that the Legislature should have the responsibility for the work which this Committee does, the Committee must report fully to the Legislature. Then, there is a third instrument by which the Legislature tries to control the policy of Indian railways, and that is the Central Advisory Committee. I feel that even in this respect the expectations of the Legislature are not fully met.

I do not know how many times the Central Advisory Committee meets in a year, perhaps once or twice, but no more than that. The Legislature cannot really have that much of control which is necessary when the Central Advisory Committee which is appointed as an instrument of the Legislature does not adequately function. My own view is that the Central Advisory Committee should be a sort of Railway parliament in India and it should be fully representative of the interests which are involved in the administration of Indian railways and it should meet very often. It should meet as often as the Committee itself chooses, it is wrong to leave the calling of the Committee to the Railway Member and the agenda also to be framed by the Railway Member. I feel that the Committee itself should prepare its agenda and the Committee should have the power to call its own meetings, some officer of the Committee should have the power to call its own meetings and the Committee itself should meet very often and discuss the detailed administration of the Indian Railways. It is only in this way, by means of these three instruments, namely, the discussion in the Legislature, full discussion and full report of the Standing Finance Committee for Railways and the proper functioning of the Central Advisory Council that the Legislature will maintain its control over the Indian Railways. I hope the Convention will be examined from this point of view so that the Indian taxpayer and the Indian users of Railways, both will secure the best results of Indian Railways.

**Mr Husenbhai Abdullahai Lalje** (Bombay Central Division, Mulhamadan Rural). Sir, I entirely agree with the remarks of my Honourable friend, Sir F. E. James, and I must congratulate him for the suggestions he has made with regard to making this Department a really commercial department with sound finance. The provisions which he has asked us to make with regard to reserve fund and especially with regard to slack period is really worth noting. I say, Sir, that so far as businessmen in this country are concerned, whether export or import or industry, will certainly be grateful to Sir F. E. James for the suggestion he has made with regard to railways, because industry and commerce depend a great deal thereon. After having said that, I must also draw the attention of the House and of my Honourable friend to another important aspect of the question. We all admit and we must admit that Railways have been for long largely subsidised from the general exchequer. Only very recently when we were discussing the question of motor transport and when the conditions of railway finance appeared very gloomy, they pleaded and rightly too that all



considerations must be shown to the railway administration because, after all is said and done, any deficits in the railway administration would come from the general taxpayer and any surplus, after providing for a reasonable reserve fund and other things, would go to the public. Sir, I am not one of those who, after taking the benefit from the public exchequer for building up my concern, will say that I have no further connection with that which built up my concern. Even now directly or indirectly the public exchequer and Government are supporting the railways against all other methods of transport, and the facilities and assistance given to the railways are much higher than is given to other means of transport. Therefore, in considering railway administration we must not also forget that the public finances deserve very careful consideration. And if the railway administration treats itself entirely as a commercial body with nothing whatever to do with the public, I do not think my Honourable friend the Finance Member, will not consider putting an income-tax, and if at all he does avoid it I am sure when he has got a deficit he will try to reduce the limit and get income-tax on the salaries and thereby may probably bring in the poor hard hit employees on the railways and by other means realise the wealth to make that good by such payments.

In considering an administration like the railway the general exchequer must be looked into from all points of view, and it should not be said that it has nothing to do except 1 per cent as Mr Mehta says. It is due from the commerce and industry and they should provide for it as after all everything depends on the public at large has got buying power, in other words, that without all this traffic in travelling and freight no business can be carried on. And the only way to do that is to ask the Finance Member to be equitable both to the railways and to the general taxpayer. We have been always saying that the general public has been taxed very much, and I do feel that the Finance Member,—of course he need not go into the accounts and the depreciation accounts of the railway administration as he goes for the Excess Profits Tax in order to get as much tax on income,—but, surely, when I am dealing with depreciation I should like that renewal and additional sums that are being written off I should like to be gone into and let me make one inquiry. Recently when we have been dismantling certain tracks these tracks are supposed to have been written off to revenue. I should like to know whether the value of these materials has really been given as a gift to War Department or the value thereof has been written up after depreciation or whether the value thereof has been worked out as of waste material. All renewals and additions must be specified and should not be put into ordinary revenue without careful consideration as to whether it should not go out of depreciation and to what extent renewals and other charges if at all should be added legitimately to the current revenue as, Sir, on this depends the balance sheet. Sir, I support the motion.

**Mr Muhammad Nauman** (Patna and Chota Nagpur cum Orissa Muhammadan) Sir, I rise to support the motion. My Honourable friend, Mr Jamnadas Mehta, has fully explained how the Convention of 1924 is not being put into actual practice or has deviated from its original purpose. Without repeating his remarks I will only say that as the Convention has become old, a revision is very necessary. The relation between the railway budget and the general exchequer has been very peculiar since the time I became a Member of this House, i.e., from 1935. We have seen that when we were having deficit budgets in the earlier

[Mr Muhammad Nauman ]  
 stages the general exchequer was asked to give us substantial aid for meeting them, and now, when we have begun to get surpluses, we have instead of meeting only those obligations we have gone further and are contributing generously towards the revenue of the general exchequer. As Mr Mehta pointed out, with the surpluses the expectations were that relief should go to those quarters which contributed to that surplus, but instead of that we find that the general exchequer is being benefited. I do not object as the time at which it is done is of exceptional conditions, but what I wish to impress is that although it has been said that our railways are a national asset of 800 crores and that it is a commercial enterprise which is running on commercial lines, yet in practice we find the opposite. The railways are not run on commercial lines but on bureaucratic lines to suit Government which run the administration. Even the heads of the railway administrations feel that they are responsible to no one,—I mean the General Managers and those others who run the railways.

My Honourable friend Mr Joshi, referred to the Central Advisory Committee, the Standing Finance Committee, and opportunity being given to this House to discuss the budget. I will not dilate upon it, but I will say that while it was the desire of the Committee to give six or eight days' time it has been reduced to two days only during which period there is not enough time to place even a hundredth part of the grievances of the people before the House. As to the Central Advisory Committee, I have been a member of same since 1935. Its functions are only advisory and it has nothing to do with the working of the administration. We cannot raise any concrete question about the working of any particular railway, and even the Resolutions of this House, like the Resolution adopted in February 1940 regarding catering contracts, are not taken into consideration and remain a dead letter. Would it be possible in any other popular Assembly in the world? Could any other administration responsible to the legislature and to the people afford to flout the opinion of the House in the way they have done here in the matter of Resolution of 8th February, 1940? That is the story of the Central Advisory Committee.

As regards the Standing Finance Committee, as Mr Joshi pointed out the Members do not get the detailed report of the discussions there, and they have naturally a right to know whether their representatives on the Committee are doing their part properly and are able to grasp the questions placed before them and do justice to the cause for which they have been selected by this House or not. Although we discuss a lot—and I am glad that the Financial Commissioner Sir B. Staig, and Mr Sankara Aiyar, have tried their best to give us facilities for understanding the financial matters yet the Members of this House are perfectly justified in saying that they do not know what we said and what we did not, how we have voted and how we have not and how and why we agreed to a certain proposal, and so on, and so forth. If these reports were to be made more comprehensive and elaborate I think that would give a better understanding to the Members of this House and would give a better justification to the members of the Standing Finance Committee who represent this House there.

Now, Sir, I come to the concrete issue of the capital charge and the Depreciation Fund. The method of charging Depreciation Fund has been on very peculiar lines in the Railways. I remember to have pointed out then to the Financial Commissioner Railways in the Standing Finance Committee as well that accumulation in

the Depreciation Fund has been sometimes unusually very high. Of course, I cannot claim to know much about accounts, but I have only said in the Standing Finance Committee that this has not been the practice in other commercial houses and whether they justify the present method of keeping in the Depreciation Fund in the manner in which they do at the present moment is also an important matter which a revision will only reveal and we will decide whether we should maintain this method or we should change same.

Then Sir, the question of charging one per cent interest on the Capital Account. Of course, that is a matter which my other friends have already discussed fully, and I do not want to add anything except this that I support Mr. Mehta's arguments and I also feel that it should not be more than that and whatever income we may have from the Railways in excess of that it should go to provide further facilities to those who have contributed to that income, namely, there should be a reduction in fares and freights there should be increase in amenities, in short any excess that there may be should be allocated for providing more facilities for the customers of Railways instead of a contribution to the general exchequer.

Now Sir, the Railways have resorted to different manipulations in order to bring about this surplus. When the Motor Vehicles Bill was placed before this House, I and many of my colleagues did say definitely that this was a step to bring a definitely bigger income to the Railways at the cost of motor transport, and the travelling public.

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member is moving over all sorts of subjects. I think he had better confine himself to the Convention.

**Mr. Muhammad Nauman** Yes, Sir, I would only say that it is necessary that the Convention should be revised in the light of those factors which have arisen in the meantime. The conditions in 1924 were very different from those in 1912 and I feel that if a revision is made we will have better facilities for all those things which we want to suggest and probably things will get clearer to everybody. With these words I support the motion.

**Mr. K. C. Neogy** (Dacca Division Non-Muhammadan Rural) Sir, the Convention of 1924, itself contemplates periodical revisions of its clauses and I would remind the House that as early as September, 1928, a Committee of this House consisting of sixteen Members, elected by the vote of the Members of this House, was actually elected for the purpose of reviewing the working of this Convention with a view to making recommendations as regards the revision of any of its clauses that might be necessary. This Committee was presided over by the Finance Member, but unfortunately, the Committee did not make satisfactory progress, and I had the honour of raising the issue which has been raised today by my Honourable friend Sir Fredrick James in February 1930 and there was a very long debate on that occasion. I find that my speech occupies 6½ pages of the printed proceedings but I propose to take not more than six minutes on this occasion to deal with it.

The then Honourable Member in charge of Railways, Sir George Rainy, gave an account as regards the progress that the Committee had

[Mr K C Neogy]

made in its investigations. He stated that the Committee after going into the matter for a short while appointed a sub-committee to go into certain detailed considerations. That Sub-committee had met from time to time and he promised on that occasion, that is to say, in February 1930, that the Sub-committee would be summoned towards the close of the Session. As far as I am aware, nothing further has been known about the matter. I should like my Honourable friend, when he gets up to reply, to tell us as to the progress that has already been made in this matter. It may be that a preliminary examination has already been made of the various questions, and valuable materials may have been collected thus reducing the work for any other Committee that may now be appointed.

**Dr P N Banerjee** (Calcutta Suburbs Non-Muhammadian Urban)  
The Sub-committee did not submit its Report.

**Mr K C Neogy** Very many issues do in fact suggest themselves to one's mind while dealing with this subject and I had to deal with very many of them in 1930. But the two main difficulties which were mentioned by Sir George Rainy on that occasion were (i) constitutional, and (ii) financial. In regard to the constitutional point, Sir George Rainy stated that a final arrangement with the Railways would very much depend upon the general constitutional structure that may be put up in India as a result of the deliberations that were then going on in England. Well, that was the position in 1930. The 1935 Act definitely contemplates the setting up of a Statutory Railway Authority and there is a separate chapter devoted to it. Now, as far as the Statutory Railway Authority is concerned, I must say that Indian opinion is very critical of this proposal.

**Dr P N. Banerjee** Strongly opposed

**Mr. K C Neogy.** But, then, luckily for us today that provision in the Constitution has not yet been brought into operation. Going through the relevant provisions in the Act, however, I find that there are certain very salutary principles laid down. For instance, in one of the sections it is stated that the Railway should be managed as a commercial proposition having due regard to the interest of trade, industry, agriculture and the general public. Then, again, another section lays down certain broad principles which should govern the expenditure of the Railway fund. It also refers to the contribution payable by the Railways to the General Exchequer though nothing definite is stated therein in regard to this matter. Now, Sir, so far as the constitutional question is concerned, we have that picture of the Statutory Railway Authority before us and I do not suppose the Honourable Member will now have any difficulty on this account to deal with this question. But in so far as the working of the present convention goes, I do not suppose that it is very much inconsistent in any way with the spirit of the Statutory Railway Authority provisions of the Act, excepting that the Railway Administration is expected in future to be brought more under the control of the Governor General than of the Governor General in Council. That, of course, is a very broad point that I have stated. There are other features to which I do not want to refer just on the present occasion.

As regards the financial difficulties, well I do not know if Sir George Hankey had definitely any difficulty in mind, excepting that he did not know what the demands of the general exchequer on the revenues of the Indian Railways would be. We have worked this Convention for the last 18 years, and we have had lean years and we have had very prosperous years, too, and I do think that we are now in a position to undertake an impartial examination of the financial aspects of the question. As regards this financial question, I should like incidentally to refer to certain statutory expectations, if I might use that word, that had been aroused in the minds of the provinces in regard to getting a share of the income-tax revenue from the Centre, and in dealing with this and many other questions, Sir Otto Neimayer had to refer to the contribution that was expected to be made by the railways. When Sir Otto Neimayer made his report, the railway finances were in a very bad way and he naturally took a very gloomy view of things, but now the situation has considerably improved, and I do hope that my Honourable friend will not have any great difficulty in dealing with the financial aspect of the problem.

Several points have been made rather of a detailed character by the speakers who have gone before me, but as I have no time now, I should only like to say that there are two sides to almost every question, and although I may not be able to deal with all the various points that have been touched upon from my own point of view, I must say that I do not agree with all that has been said by the previous speakers. As a matter of fact I think that criticisms of a detailed character that have been made already really fall within the purview of the duties of the committee, if any, that may be set up to examine this Convention. However, I should like to summarise the points on which the inquiry should proceed.

First of all, the question of the extent and nature of control that this House should exercise over the railway administration and railway finance, and my Honourable friend, Mr. Joshi, has already raised the question of the privilege of this House, and I strongly support his observations on that point. Then, of course, we have incidentally to consider the functions of the Railway Finance Committee as well as the Central Advisory Committee. The next point to my mind would be dealing with the relations between the Finance Department and the Railway Department, for instance, the position of the Financial Commissioner, to which I had to refer more than once previously, would have to be examined in the light of actual experience. Then the question of the nature and extent of the accounts control which again is a very important matter. Next comes the question of the devolution of the powers of sanction that has been made in favour of different authorities. There is definitely a view that the devolution has gone absolutely too far. I read a debate that was raised at the instance of Mr. Chapman-Mortimer sometime back on this question. Then the next one would be the question of allocation of expenditure between capital and revenue in particular matters. Then comes the contribution to the general exchequer. Next, the Reserve and Depreciation Funds, their composition and utilisation. Then last, but not least, the general principles that should govern the railway administration, such as in matters of railway freights and rates.

I should not like to take up any more of the time of the House.

**Dr. P. N. Banerjee:** Then about the amortisation fund

**Mr. K. C. Neogy:** That again is a question that will have to be discussed perhaps by a small committee rather than by this House just at the present moment. It would also depend upon the financial position, if we can possibly have an amortisation fund, so much the better, but on that point I should not like to dogmatise, particularly in the absence of certain details.

*This is all that I wanted to say and I do hope that when my Honourable friend gets up, he will be able to give a favourable reply to this debate.*

**The Honourable Sir Andrew Clow:** Sir, I am grateful to Sir Frederick James for raising this very important issue and for speaking as he did. I am, moreover, an example which has been followed, I think, by the other speakers. We have had in the course of the debate observations on what I might call minor issues, although not unimportant, and I propose to deal with these very lightly. For example, as regards the Central Advisory Council, I must say that I myself have found it of very great value. We have discussed problems of policy of the first importance, such as the acquisition of railways and questions of safety. We have even descended to catering contracts, and while on the subject of that I might say in reply to Mr. Nauman that there has been no flouting of any conclusion reached in this House. The Resolution to which he referred was withdrawn on my giving an assurance which I implemented fully, and the policy was, subsequently, reviewed by the Central Advisory Council and we adhere to that policy.

Then there is the big question of depreciation. That would require a long speech in itself, and I do not propose to enter on that field in detail. I would suggest that Honourable Members who wish to study the question might look up the papers to which Sir Frederick James referred, the appropriation accounts, and to which Sir Jamnadas Mehta also referred. I think they might also study the speech made in this House about two years ago by Sir Bentic Stang when he dealt with this question very fully—the adequacy of the Depreciation Fund. I have studied it myself in considerable detail with the very valuable assistance of officers in the finance side of the Railway Board and have been quite convinced that there is no substance in the plea that the Depreciation Fund is too large and that we are putting too much into it. Mr. Jamnadas Mehta cited the experience of the past 18 years and said that in the last 18 years we had put more into it than we had taken out. Of course we have. But then a great many of our assets are new, there was very substantial capital expenditure until only a few years ago and the lives of some of our assets, in reaching our present calculation, are taken at, I think, 200 years. So that we must expect at the moment to be putting more into the Depreciation Fund than we have taken out of it, and that applies especially at a time when we are having difficulty in making renewals.

To come to the Convention itself, it is possible to hold a great many opinions. As Members who were at that time Members of the Assembly will recollect, the Government proposal was that 5/6ths of one per cent should be given to general revenues. That was enlarged in the course of its progress through the Assembly, first, I think by raising it to one per cent and then by what I might call the frills to which Mr. Jamnadas Mehta referred and which he was anxious to see cut off, little provisions adding 1/5th and 1/3 and so on. Although the Government of India had felt at the time that 5/6th of one per cent was the most that could

reasonably be asked, they felt later that they ought to defer to the views of this Assembly in the matter and they accepted the Convention in the form that the Assembly desired.

There has been a good deal of condemnation later of the Convention, but I am not prepared to say that in the circumstances of the time it was an ungenerous deal. But of course conditions changed rather radically after the Convention was passed. In the first place, there came in motor competition on a scale which was certainly not envisaged by the framers of the Convention. In the second place, charges for labour went up to an extent that in that ungenerous time was not foreseen. I mentioned these two in a speech some time ago in the House, and a critic writing to me pointed out that I had omitted to mention another important change, and that was the adoption of a policy of protection which of course diminished the long leads of exports to the ports and tended to give shorter leads. I do not include that, because that is rather a temporary factor for the increasing industrialisation should neutralize the loss which in the initial stages that policy probably caused to the railways.

But these two other factors I had mentioned remained. And speaking entirely for myself as Railway Member, and not for my Honourable friend, the Finance Member who, I am asked to say, owing to another engagement could not be present here when the last speaker made his speech, I would certainly say if we were confronted with times of peace, "give us a better deal than we got in 1924." And, again speaking personally, my own view would be it is rather unreasonable to ask the Railways to pay money in years when the money is not there, and that has been in the past one of the serious difficulties that the Convention had raised. At the same time we must not forget that the original object of the Convention and the purpose which those who passed it thought they were serving lay precisely in that point. They thought they were providing the Finance Member with a sure and steady income which would not depend on the fluctuations of railway economics. Whether it is possible to adhere in the light of our experience to that approach, I very much doubt.

We are still faced with a further difficulty and that is that we have to deal with war, and not with peace. As I said a few moments ago, if we were in times of peace, we should certainly say "give us a better deal, give us a smaller liability than the Convention imposed" but I am not at all sure that I will be prepared to take the same line in the present exceptional circumstances,—circumstances which were never foreseen by the framers of the Convention. For I feel that if we are going to continue to earn surpluses at anything approaching the present rate, it can be said with a good deal of force that the Convention does not give the general taxpayer a sufficiently good deal, and that he should get greater relief in war time than the Convention affords. We are thus faced with the problem, for those who are inclined to accept those views, of whether you can frame a system which will meet equitably the two very different conditions of war and peace, and that is the question which I would like the House to think over. As I indicated in my original budget speech, we are at present merely repaying a debt due under the Convention, and we are not paying what I called a few moments ago the frills, we are repaying the annual one per cent contributions which in Mr Jamnadas Mehta's view are a fair charge on the Railways. But if we find a little later that the present prospects held out in my Budget speech are going

[Sir Andrew Clow ]

to be fulfilled, obviously a different situation will arise, because we shall be confronted next year with a position in which the surpluses cannot be applied to the redemption of that debt. It will all or most of it have been redeemed, and the House will have to come to a conclusion as to what procedure should be followed. I would therefore, suggest that we cannot at this moment reach a conclusion that the Convention must be revised and may prove that we shall have to have an interim arrangement for the period of the war. But I may say that if somewhat later in the year we find the possibilities envisaged in my Budget speech are being fulfilled, we shall consider most sympathetically the proposal which Sir Frederick James has put forward.

**Sir F E James.** Sir, may I ask the leave of the House to withdraw the motion?

**Mr President** (The Honourable Sir Abdur Rahim) Has the Honourable Member the leave of the House to withdraw the motion?

**Several Honourable Members** Yes Yes

The motion was, by leave of the Assembly, withdrawn

**Mr. President** (The Honourable Sir Abdur Rahim) The next one is in the name of Mr Ramsay Scott

*Functions of the New Central Transport Organization and the Need for co-ordinating all Forms of Transport*

**Mr. J Ramsay Scott** (United Provinces European) Sir, I move

"That the demand under the head 'Railway Board' be reduced by Rs 100"

The object of my cut motion is to give the Government an opportunity to explain to us more fully their new Transport Organization and its functions. The latest baby of the Government of India has come into existence with little pomp and ceremony, and it even lacks an official name.

Mr Thomas Sharp in the *Political Quarterly* recently said, the civil service tradition is slow but sure, and ten paces aside to every one forward, and the thing I want to know is not so much where we stand as in what direction we are going.

The transport system of India is vital to the needs of 300 million agriculturists who wish to get their produce marketed and to the 360 millions in India who have to keep body and soul together. I know of no greater internal problem today than transport. The Honourable Member told us that the Railways were overloaded and that he was cutting down passenger services to increase goods services, and with this brief reference and with tears in his eyes he dismissed the subject as if that was all he could say or do. We, on this side, are not satisfied with this position, and something has got to be done, and that something quickly. I would ask you what are the powers of the new triumvirate? Are they just three nice old gentlemen who will journey round the provinces in a comfortable saloon and pat provincial officials on the head and say be a good boy and do this or that? The Railways want gingering up. We want quicker transport of goods and less wagons decorating the landscape in the vicinity of big stations on their endless miles of sidings. I still see a rather dog-in-the-manger policy as regards the use of Railway bridges by road transport, and this attitude must be altered.



There are other forms of transport, and however small their capacity compared to railways, they must not only be examined but used and used intensively without delay. The all powerful Railways today are like a lion in a snare. It needs the two per cent mouse of other forms of transport to nibble the bonds and help him out. What use are you making of your rivers, of your canals, and of your waterways and roads? It is essential that road transport be properly used to assist the railways, to carry passengers and goods short distances, say up to 50 miles, and in fact to act as feeders to railways. I shall be told that the snag is lack of petrol. Well, Sir, Japan was faced with this problem, and she realised it and planned ahead and had charcoal gas buses running in 1937. It did not need two years of war to make her take stock of the situation.

Now, Sir, let us examine our resources of Road Transport and fuel, and I shall give the United Provinces figures only because I know them best. Our petrol consumption in the United Provinces is 65 to 70 lakhs of gallons and we have 3,000 buses and 700 lorries. I believe these require 50 lakhs of gallons to run an average 2,000 miles per month. Now, Sir, what is the fuel position or the alternative fuel position? We have three alternative fuels, the basis of two of these are molasses of which we have an available supply of 400,000 tons in India of which 300,000 tons are available in the United Provinces and Bihar and I have no doubt that this output could be increased by 50 per cent. The first fuel is called Power Alcohol, and because of its freedom from water it can readily be mixed with petrol or it can be used by itself. The United Provinces has only one distillery which produces five lakhs of gallons a year. There are only two other distilleries in India both in Indian States. I want the Honourable Member to tell us if we are or are not in a position to put down more plants and if so, how quickly, taking into consideration the copper and steel position.

The second fuel is rectified spirits and every distillery in the country which produces country spirit can produce rectified spirit. The United Provinces have six distilleries and their total output is in the neighbourhood of 17 lakhs gallons. Can we increase these too? This fuel cannot be mixed with petrol but must be used by itself.

The third fuel is based on charcoal and it takes about 21 lbs. of charcoal or 64 lbs. of wood to enable a bus to travel 17 miles or the same distance as a bus will travel on a gallon of petrol under the best conditions. One bus or lorry requires a ton of charcoal to travel 2,000 miles per month. Only half the United Provinces buses if put on charcoal gas would require 2,000 tons of charcoal monthly. What have you done to see that Forest officers have received orders to get on with the production of charcoal? How many kilns will be required and are you providing the necessary mild steel, as each kiln requires a ton? A kiln can produce 40 tons a month, so in the United Provinces alone you require 50 tons of mild steel as an initial outlay.

Then we come to the equipment of the bus. 2,000 plants will require steel and what are you doing to see that the firms making these plants are supplied with steel. These plants are costly, but hire purchase firms can be utilised. Fuels, I believe, come under the Scientific Industrial Research Board, but is this body or any other body dealing with the development of gas producer plants? Next, I ask you what plans you have for the sale of these fuels? I also foresee that some provinces which are not

[Mr J Ramsay Scott]

so well off as the United Provinces will also have to be helped out with alternative fuels. I have endeavoured to put the situation before you as fully as I can, in the short time at my disposal, in order that the Honourable Member can satisfy us in his reply. Yesterday I spoke about the War Transport Board and I hope the Honourable Member can also tell us about its activities and powers.

I conclude by remarking that there is a saying that God helps those who help themselves and I assure you, Sir, that this House and Industry is willing to help and is asking to be told in what way they can best assist to co-ordinate all forms of transport to meet the needs of the India we serve.

Sir, I move

**Mr President** (The Honourable Sir Abdur Rahman) : Cut motion moved  
"That the demand under the head 'Railway Board' be reduced by Rs 100."

**Mr Jamnadas M Mehta** : Sir, I support this cut motion very heartily. The criticism that is made on the floor of the House is done, I submit, with the friendliest motives and in no spirit of hostility. The difficulties of the railways at the present moment are easily appreciated and nothing that I propose to say is intended to convey that the Railway Board are not doing what they should do. Notwithstanding that, the feeling remains that the public are being starved and if hostilities come too close to India, the public will have to undergo very severe trials and difficulties. But if the starvation of transport is to reach the present proportions that it has done the future can only be visualised with a great deal of anxiety. As I told the House some days ago some of the raw produce of the country and some of the perishable articles are not being transported with ease and facility. Not only are they not being transported with ease and facility but they are actually being locked up in the godowns and in the fields. That being the case the civil life of the public is very largely hampered. The one condition of a successful war, in my opinion, is that the civil life should be kept up as far as possible near to the normal. With this object it is that I am going to suggest to the Honourable the Railway Member one or two more points.

As he himself knows the present strain on the railways is somewhat artificial because in the absence of coastal shipping services a part of this transport has been diverted to the railways. With the virtual paralysis of the bus traffic and the lorry traffic, the pressure on railways has gone up, and certainly we do not wish to revert to the bullock cart days. I would like to have some information about the new transport organisation which has been set up, I want to ask the Government and the Railway Board whether they are thinking of any alternative method. There is a great deal of suspicion among permanent officials of any new idea. They generally look upon enthusiasm with mistrust. In fact, they take it as a sign of immature ideas. I want that this mentality should go. Particularly in these times they should have an open mind about everything that is suggested to them. No suggestion should be looked upon with suspicion. Every suggestion should be encouraged and often five that may be rejected the sixth may be so helpful that it might solve the difficulty. What happened in the last war in America? A gentleman called Hogg invented a parachute. It was proved to the hilt that it was possible to have parachutist troops. The American Army Headquarters tried the experiment

and it was proved that the man was right. The newspapers acclaimed it as a real triumph of science but the Army Headquarters turned it down, and it is only now in this war the parachutists have come into their own after 25 years. What would have been the military history of the world, what would have been the fortunes of the world and what turn events would have taken if the mentality of the permanent officials in America were a little less opaque and a little more transparent and if it was open to new ideas, particularly at a time like this.

I am referring now in particular to a proposal which has been before the Railway Board for many years. It is the proposal for Guideways. It is an alternative transport which is cheap and which is, I understand, practical. As I am not a technical man, I can pronounce no judgment on the technical aspect of that question. But the scheme has been before them for several years. It was pronounced to be good by the ex-Chief Commissioner of Railways, Sir Guthrie Russell. Mr Skelton, the engineer who has invented this system was a railway engineer. Sir Guthrie Russell had recommended this scheme to the Kashmir Government some years ago wishing it all success. I shall read those three lines which at least ought to convince the Railway Board and the Government of India that it is a time like this, whatever may be the ultimate result of this investigation, the least they can do is to give a trial to the Guideways proposal. Don't mind if it fails. Here is an experiment which has got the blessings of Sir Guthrie Russell and in view of the need of more transport in which we stand today, when the civilian life is being already hampered, the letter of Sir Guthrie Russell to Mr Skelton deserves the most careful consideration of Government. This is what Sir Guthrie Russell wrote to Mr Skelton. The letter is dated the 26th September, 1939.

'My dear Skelton. Reference your letter D/Nil from Srinagar. I wish you every success with the military authorities.'

That means that Mr Skelton was trying to have the support of the military authorities in introducing the Guideways system in the Kashmir State where there are not enough railways. The letter goes on:

'I may say I have heard from the Prime Minister of Kashmir and have replied to him recommending that he should give your Guideways a trial in Kashmir. There would seem to be no reason why they should not deserve a trial,' etc., etc.

So, I do not wish to read the other letters but in view of the extreme necessity of the hour and in view of the loud complaints of the public and in view of the war, this system which has the backing of Sir Guthrie Russell should be given a trial. I believe it has also the support of several eminent engineers including the present General Manager of one of the Railways in India. I do not wish to give their names. I think that at least a case is made out that my friend, Sir Andrew Clow, should consider the advisability of making an experiment. So, I support the motion.

**The Honourable Mr. M. S. Aney.** What is this Guideways system?

**Mr. Jamnadas M. Mehta.** It is a system of transport which I understand carries 28 passengers. The cost of the vehicle is only Rs. 6,400 and it runs on a concrete road. I cannot give you more particulars, because myself know this in a casual manner and my time is over.

**The Honourable Sir Andrew Clow.** Sir, although the Mover did me the courtesy of giving me beforehand the points he was going to raise, they only came into my hand as I entered the House this morning and having been

[Sir Andrew Clow ]

busy since with a very important subject, I am afraid it has not been possible for me to collect detailed information as to kilns, forests and quantities of steel for which he asks but I can deal with the more general question that he raised

I think one of his first demands was to know what was being done and what the function of the new organisation relating to roads was. Well, our intention is that it should be charged with the duty of making a close study of the problem of maintenance of road transport in order to secure its fullest utilisation in consultation with the Provincial and Railway Administrations. For example, two important subjects which it is going to tackle are the control of petrol and the possibilities of developing other fuels and, particularly, the use of producer gas. I cannot tell the Honourable Member off hand precisely what the difficulties are in the way of getting plant for industrial alcohol but I understand that they are such as to make it not a very optimistic outlook for a large expansion in that direction.

Before I go on to the bigger subject that he raised, I ought to make just a remark or two about the question of Guideways, which Mr Jamnadas Mehta has brought to the notice of the House on more than one occasion. I have also devoted some study to this question a year or two ago and I do not think I am revealing any secret when I say that while Sir Guthrie Russell was anxious to see an experiment done in Kashmir he was not taking the same view of the invention as Mr Jamnadas Mehta does. We are always anxious to see experiments because we always try to learn from them and actually a short length of Guideway was erected and put into operation in the Bombay Presidency. But I am quite clear in my own mind that at the present time the attempt to get the steel to make the single rail for the Guideway, for the rolling stock and everything else would be a waste and that it cannot act as a substitute for the shortage of railway transport on which Mr Jamnadas Mehta dwelt. What its possibilities are in times of peace it is not necessary for me to discuss.

Now, I have tried to emphasize more than once in this House that although we are anxious and will do our best to develop road transport and not merely mechanical transport but also animal-drawn transport, that is much the smaller side of the question. I think both the speakers recognised that. I gave an estimate lately which was that in present conditions motor transport is carrying less than two per cent in the form of goods of what the Railways are carrying, so that even if we were successful in our ambition to increase that by a large amount, even if it be a hundred per cent, increase, it would still be a comparatively small contribution. The vital question is that to which Mr Jamnadas Mehta referred, the difficulty of providing for all the demands upon the services of the Railways. We have been considering that for some time. The Railways have themselves been exercising a certain amount of discretion as regards the traffic they will take and the traffic they cannot. We have to weigh up the very different demands—demands for the movement of troops, for the movement of supplies, of coal, of other goods and for the evacuation of persons from certain areas, and we have come to the conclusion that the time has come to systematise the control of transport priorities. In the initial stage this work will be in the charge of the Communications Secretary who will be relieved of the bulk of his present work by the immediate appointment of an Additional Secretary. He will be given at once an experienced

Railway Traffic Officer to serve as Controller of Railway Priorities and will be responsible for the work of the Road Transport Organisation to which I have been referring. He will work from the start in the closest co-operation with the Provincial Boards of Transport and with Provincial Governments. The Communications Secretary, as a Member of the Railway Board, will maintain the closest touch with its activities but he will of course have independent and direct access to Government. The general organisation will be developed with all expedition and it may involve departmental changes of a more extensive character.

**Sir F E James** May I ask the Honourable Member this? Did I understand him to say that there will be a special officer appointed to deal with railway priorities in the Secretariat of the Communications Department?

**The Honourable Sir Andrew Clow** Yes, almost at once. I hope the House will agree with me that, while we should not neglect the smaller questions of full development of road transport and any other forms of transport, we can find, the really vital problem lies here in getting the best use we can out of our railways which are rendering such immense services and in ensuring that, when as at present they cannot meet all the demands made upon them, the right demands have priority in such circumstances.

**Mr President** (The Honourable Sir Abdur Rahim) The question is 'That the demand under the head 'Railway Board' be reduced by Rs 100''

**Mr J. Ramsay Scott** I beg leave of the House to withdraw the motion.

**Mr President** (The Honourable Sir Abdur Rahim) Has the Honourable Member leave of the House to withdraw the motion?

**Mr Jamnadas M. Mehta** I object.

**Mr President** (The Honourable Sir Abdur Rahim) The question is 'That the demand under the head 'Railway Board' be reduced by Rs 100''

The motion was negatived.

**Mr President** (The Honourable Sir Abdur Rahim) There is no other motion in the name of the European Group. The Muslim League Party have to begin at 1 o'clock, and it is now five minutes to one. If there is no objection, they can begin their cut motions now.

*Grievances of the Pilgrims to the Hejaz and Board's Policy in not agreeing to issue cheap Return Tickets to the Pilgrims*

**Khan Bahadur Shaikh Fazl-i-Haq Piracha** (North-West Punjab Muhammadan) Sir, I beg to move

"That the demand under the head 'Railway Board' be reduced by Rs 100''

Sir, in moving this cut, I want to discuss the grievances of Mussalmans in not being allowed the benefit of railway concessions and other travelling facilities for pilgrims to the holy land of Hejaz. Sir, when I move this cut I feel that it has become a sort of vain practice every year to talk on

[Khan Bahadur Shaikh Fazl-i-Haq Piracha]

these matters without any tangible result. But as there is no other suitable occasion in the Legislative Assembly to press for such things, I avail of this opportunity to give vent to my feelings.

Sir, as a matter of fact, the Honourable the Communications Member has absolutely turned a deaf ear to the numberless grievances of the Mussalmans, and it painfully reminds me of the gloomy occasion when we walked out, as a protest, at the time of the presentation of the last year's Railway Budget. At this time I am putting before him a very simple request which is being allowed to all and sundry but to the Mussalmans.

When I ask for facilities for return journey at concessional rates for Haj pilgrims, I do not ask for anything new, which is impossible for the Railway Administration and which they are not allowing to others. There are in vogue a number of concessions for travelling in the railway trains by all the Indian railways. They allow concessional rates for all those passengers who take pleasure trips to the hill stations to entertaining companies, i.e., parties of dancers, musicians and actors etc. cinema film producing companies, cricket, football, hockey, volleyball and other sports and athletic teams, polo teams, pigsticking parties, horses and ponies for races and competitions, exhibits for exhibitions and shows, Y.M.C.A. conference members, Christmas, Dusshra and Easter Holidays concessions, concessions to commercial travellers and fox hounds, and in the days of Durga Puja, Kumbh Mela and other *Ashnans* and the like fairs. It is very sad indeed that the Railway Administration never thought for a moment to extend the same facilities and concessions to the Haj pilgrims who have to travel from various parts of the country every year in large numbers to the pilgrim ports.

But when the principle of concessional return tickets is followed for several places of pilgrimage in India by almost all the Indian railways, is it not a grave and very shameful injustice to the Mussalmans, and is this not one-sided favoritism, intentionally excluding the Mussalmans from all these concessions?

The principle of issuing return tickets at concessional rates is also observed by the shipping companies, that undertake pilgrim traffic and in order to avoid expense and trouble to the Government to repatriate destitute pilgrims it has been ruled for every pilgrim, either to buy a return ticket for sea journey to Jeddah and back, or to deposit money in cash with the Government, sufficient to meet the return journey expenses. The same principle of return tickets if adopted by the railways will be doing nothing more than helping the Government in decreasing the number of destitute pilgrims. The fact that the railway administration will have the use of the money paid for the return at least for four or five months earlier, will be a compensation to some extent for the concession allowed to the pilgrims.

I know that some of these concessions have now been only suspended and temporarily withdrawn on account of defence services, yet there are some still prevailing. I have been putting the matter before Members in charge of Railways year after year, but no attention, whatsoever, has ever been paid to this request. The Standing Haj Committee also made a similar request but to no result. I am absolutely at a loss to understand any valid reason for this unreasonable refusal and rejection on the part of the railway authorities, of this very plain request.

Sir, in the year 1929 this recommendation was also made by the Haj Enquiry Committee which was set up by the Government under the chairmanship of an I.C.S. officer, to enquire into the inconveniences and troubles of the Haj pilgrims and to make their recommendations in that respect. But the House will be astonished to know that no action has been taken on this recommendation along with so many others for the last 13 years. The real thing is that in relation to the Haj pilgrim question Government accept whatever suit them and quietly reject those recommendations that are in favour of the pilgrims.

For the information of Honourable Members I would quote the recommendation by the Haj Enquiry Committee in their report and also their observations on this question. On page 157 they have made the following recommendation:

'The Railway Board should be requested to grant return tickets of all classes available for eight months, at the rate of a fare and a third, issuable at all railway stations, on production of a pilgrim pass for the current year.'

In this respect they have remarked as follows on page 36 of the Report, in paragraph 66:

'We also consider that the Railway Board should be requested to grant return tickets at concessional rates to pilgrims. Several railway companies in India at present do give certain concessions in respect of fares to and from places of pilgrimage in India, and also in respect of first and second class passengers travelling to hill stations the return tickets being available for a period of eight months. We would strongly press for the grant of similar concessions to pilgrims to the Hedjaz by the issue of return tickets of all classes available for eight months at the rate of a fare and a third and obtainable at all railway stations on production of a pilgrim pass for the current year. We understand that third class return tickets have, on occasions of fairs and holidays, been issued by certain railways at a concessional rate, and in view of the importance of the traffic and the fact that the company will have the use of the money paid for the return journey for at least two or three months, we consider that the concession might reasonably be granted to pilgrims to the Hedjaz.'

Since the publication of the Haj Enquiry Committee Report, myself and several other Muslim Members of this House have been pursuing this question in the Assembly debates and otherwise, but to no result.

Sir, the manner in which this question is being treated by the Railway Administration is unbearable and can no longer be tolerated by the Muslims. We thought that the protest in general, we demonstrated against the very partial attitude of the Communications Department, towards matters relating to Muslims and our expression of no-confidence in the authorities of that Department last year would open their slumbering eyes and that they would realise the grave and very wide dissatisfaction among the general members of my community, and now they will make amends for, but it seems, Sir, that that had produced no effect and some other effective means shall have to be adopted. I will most strongly and sincerely ask the Honourable Member in charge to ponder over the question of affording genuine and legitimate facilities to Haj pilgrims and win our confidence. It will not at all affect the enormous and ever increasing revenues of his Department, but relying on the results of other concessions, it can confidently be said that it will surely increase the earnings of the railways and enhance the credit and popularity of the department. I hope and expect that the Honourable Member will consider this old demand of ours in a sympathetic way and relieve us of the burden of that great feeling that he is not doing anything for us. I

[Khan Bahadur Shaikh Fazl-i-Haq Piracha ]

realise that requirements of war may be put before us to shake off our modest and just request, but I shall be much content if the Honourable Member admits that the demands of the Haj pilgrims for railway concessions are based on justice and that they will be allowed as soon as the pressure of the defence services is decreased. We do not want to put him in an awkward position about the enforcement of railway concessions for Haj pilgrims during the war, although he cannot deny that there are still many concessions allowed in railway journey to others.

Sir, before resuming my seat, I would say something more for the provision of certain other travelling amenities to the Haj pilgrim passengers. Sir, from the pre-war figures of the pilgrims that embarked at the pilgrim ports of Karachi, Calcutta and Bombay, it appears that the total number of them in the year 1939 was about 22,000 and in 1938 was about 24,000, twenty-five per cent of whom were women and out of this number about 75 per cent were from the rural areas and the rest from urban areas.

It is evident that out of these thousands of pilgrims there is a very small number that travel in a class higher than the third, in the railway journey and in deck while on board the steamer. Most of the pilgrims come from the villages and they are often totally inexperienced of railway journey even and, therefore, they have to undergo great hardships, inconveniences and troubles during their journey in the train. People coming from the countryside and from places far off from the railway lines have to change at several junctions and it happens more than often that not only do they miss trains but their companions as well, nay most of them even lose their luggage. These people deserve a greater care, attention and sympathy of the Railway Administration. These poor and ignorant passengers who are often accompanied by their female relations do not find even seating accommodation in the mail trains and have all along to undertake journey in the slow passenger trains and, therefore, they have to take several uncomfortable days and nights to reach their destination, that is, the pilgrim ports. For instance, a pilgrim coming from Peshawar side has to travel over a thousand miles to reach Karachi port and over 1,500 miles to reach the Bombay port. It can easily be imagined how long is the distance they have to travel and how much inconveniences and troubles they have to face.

The plight of the third class passengers has always been discussed on the floor of the House and therefore I need not repeat those grievances here again. They are well known to Honourable Members of the House. The pilgrims owing to overcrowding in the trains cannot even find space and opportunity to say their five time prayers during the rail journey and, thereby, feel extremely embarrassed. The Haj Committee that travelled all over India in making enquiries were fully conscious of these troubles and it was on that account that they made a recommendation in this respect which I would read for the information of the House. They recommended

"Whenever it is possible to organise the despatch of pilgrims by special trains or in batches of fifty or so at a time, the railway companies should be requested to provide special facilities, e.g., rolling stock such as is used in military trains or on a scale in excess of the accommodation ordinarily given to third class passengers, guards, or conductors well acquainted with the pilgrims' language, suitable facilities for prayers and refreshments en route etc."



On page 36, of their report they observed

"The railway journey to the port of embarkation in a third class carriage is, as already stated, normally very uncomfortable. Where it is possible to organise the despatch of pilgrims by special trains we have every reason to believe on the assurance of the representatives of the Bengal Nagpur Railway who were good enough to appear before us at Calcutta as well as from correspondence with the Publicity Officer for Railways, that the railway companies will be prepared to grant special facilities, and will arrange for the provision of guards or conductors well acquainted with the pilgrims' language as well as for suitable refreshments *en route*, and possibly for rolling stock, such as is used in military trains, to enable the pilgrim to take some rest on the journey, or, if this is impossible, for accommodation in excess of that provided for the ordinary third class passenger which will enable the pilgrim to travel with his luggage in comfort. Arrangements could probably be made to halt such special trains at times convenient for congregational prayers. Where the number of pilgrims available is not adequate for a special train, but amounts to fifty or more, it will be possible to reserve similar accommodation for them on ordinary trains."

Sir, although as observed by the Committee, the representatives of various railways that appeared as witnesses before the Committee assured the Members that they will be prepared to grant special facilities to the Haj pilgrims as suggested by them, yet nothing has so far been done in this connection. I would emphatically request the Honourable the Communications Member to consider the recommendation of the Haj committee and to arrange to run special trains for Haj pilgrims from principal railway stations of the Provinces, for the convenience of the Hajees that travel in so large a number from all parts of India. For such persons as are at distant places from the main lines and the principal railway stations, reserved through compartments should be made to run to be ultimately attached with either the special trains or mail trains going to the nearest pilgrim port. By doing so all the inconveniences and troubles of the Haj pilgrims during the railway journey will be automatically removed. I think this will not cost anything extra to the administration. The special trains and the reserved through compartments should be made to run keeping in view the sailing dates of the pilgrim ships from the pilgrim ports so that the pilgrims reach the port only a day or two earlier and are not compelled to stay for many days in wait for the departure of the pilgrim ships.

Sir, I move the motion with the hope that it will have the general support of the House and that of the Honourable the Communications Member.

**Mr. President** (The Honourable Sir Abdur Rahim) Cut motion moved

"That the demand under the head 'Railway Board' be reduced by Rs 100"

**Maulvi Muhammad Abdul Ghani** (Tirhut Division, Muhammadan) Sir, this cut motion is not a censure motion on the Government because the very words put in the notice of the cut motion indicate that I agree with the Mover of the cut motion that this question has been urged from time to time. Since I came to this House, I have given notice every year of similar cut motions since 1938. This year too it struck me that this grievance of the non-extension of return concession tickets to persons going to Hedjaz or Kerbala should be repeated once more. However, I urge the concession for these people also. The Government are not going to lose anything. Approximately about 12,000 people go on pilgrimage to the Hedjaz and also a fair number to Kerbala. This year on account of

[Maulvi Muhammad Abdul Gham]

the war, I understand, the number on the whole has been reduced. So, if the Railway Board asks the various railways to extend this concession to the poor pilgrims to the Hedjaz and Kerbala they will gain in two ways. These return tickets will be issued for a period of over three months and many of these men die in the Hedjaz or *en route*, so there will be no refund of this money which will be gained by the railways. This concession has been extended to passengers in India on various occasions like Diwali, Christmas and even Easter without regard to caste or creed. The concession demanded here is very modest, and it is not for all Muslims but only for those Muslims who go on pilgrimage to the Hedjaz. I think the Honourable Member should not grudge this, specially when he is not losing anything but rather gaining. There will also be no justification for refusing it to a special class of people, and it will add to the credit of the railways if they extend it to this set of people. For a man of religious turn of mind like the Communications Member it should not be difficult to grant this modest demand. It is not in any sense a threat but a request and I hope the Honourable Member will see his way to accept the motion.

**Maulvi Syed Murtuza Sahib Bahadur** (South Madras Muhammadan). Sir, as one of the members of the Haj Inquiry Committee I am much interested in this question. My Honourable friend, Khan Bahadur Piracha, has made out a very strong case, and I support him whole-heartedly. He quoted two recommendations of the then Haj Inquiry Committee of which my Honourable friend, Sir Abdool Hafoos, and myself were members. Of course, we realise that our recommendations have not at all been heeded, though the Committee was presided over by Sir H. B. Clayton, I.C.S.

**Mr President** (The Honourable Sir Abdur Rahim). The Honourable Member may continue after lunch.

The Assembly then adjourned for lunch till Half Past Two of the

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The Assembly re-assembled after lunch at Half Past Two of the Clock. Mr Deputy President (Mr Akhil Chandra Datta) in the Chair.

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**Maulvi Syed Murtuza Sahib Bahadur** Mr Deputy President, I was saying, before the House adjourned for lunch, that the Haj Enquiry Committee was presided over by Sir H. B. Clayton, who, as a true Christian, entered into the feelings of the pilgrims after examining those who undertook the pilgrimage. After deliberate consideration which covered a period of more than a month and a half, we drew up the Report. The Secretary of the Committee, Khan Bahadur Mohammad Inamul Huk, a Government servant, I am sorry to say, died just before we drew up the report at Poona. We keenly felt his demise just at that moment when we were working as a team. Sir H. B. Clayton went deep into each and every question along with the other members of the Committee, and the outcome thereof are the recommendations referred to by the Honourable the Mover of this motion.

Sir, in this connection, there is one point to which attention has to be drawn. It is a very momentous one. Pilgrimage to Mecca is not like

ordinary pilgrimages, such as to Ajmer Sharif, or Pakpatan Sharif or even Baghdad or Karbala-i-Mualla. It is incumbent on each and every Muslim who can afford to meet the expenses of the journey and who is bodily able to undertake the journey. Of course, there are some exceptions. According to Islamic law, if any one, though strong enough to undertake the journey, has got his old parents whom he has to serve and if there is no one else to serve them, he might put off the journey till his parents are all right or till they do not stand in need of his help. Such being the case, the Government should go into the matter very deeply and enter into the feelings of the poor pilgrims who form the majority. Nearly 75 per cent or even 80 per cent of the people that go to Mecca come under the category of the poor and they are not at all well-to-do persons. So, Sir, this concession, if granted, will be very helpful to the poor.

It may now be asked as to how it is that when it is not incumbent upon them, they take to this pilgrimage, though poor? It is out of affection, it is out of love and out of attachment to Mecca, that is, the original seat of Islam, that these persons go over there. It is, therefore, quite necessary that their case should be taken into consideration by all of us, not only by Muslims, but by non-Muslims as well. I, therefore, appeal to the full House, particularly to the Honourable Member in charge of Railways, who happens to be, though not as old as I am even in membership of this Assembly, but who has been here for several years and who can very easily enter into our feelings, I hope that at least this time our prayer will be acceded to unanimously by all including Government Members. With these words, I support the motion.

**The Honourable Sir Andrew Clow:** Sir, he would be a hard man who would not be touched by the appeals that have been addressed to me. One Honourable Member put it on the score of religion another Honourable Member on the score of my age and reminded me that it is getting on 20 years since I first spoke in this House. I confess that I have a good deal of sympathy with the proposal made. By looking up past history, I find that when the question was raised at the instance of the Haj Enquiry Committee of 1980, it went to the Railway Conference Association, and they are hard headed men but not all hard-hearted men. They examined it very strictly from the commercial point of view and in the result they were not apparently of Khan Bahadur Shaikh Fazl-i-Haq Piracha's opinion, and they were not convinced that the concession would be a paying one. They calculated the third class railway fare from Calcutta to Bombay and back which then stood at Rs 38 and which is now a shade higher. They then thought, "well, if we could give one-third fare off or even half off and collect 1 2/3 or 1 1/2, even then it would not make a great difference to the poor Hajj and we certainly will not make any money out of it." But even these small things do help and are a consideration to those who, as I have often been reminded, are mostly very poor.

In one respect I agree with what my Honourable friend, Khan Bahadur Shaikh Fazl-i-Haq Piracha, said, but he was not entirely correct because we are at the present moment, as I think he recognised it later on in his speech, giving no concessions to any one on account of war pressure. The concessions we had been giving to places of pilgrimage include of course both Hindu and Muslim places of pilgrimage. We had included, for example, concessions to the *Urs Piran Kalar* which I think is at Roorkee and we have been giving concessions to the *Urs Khwaja*

[Sir Andrew Clow]

Moinuddin Chishti at Ajmer But I recognise these instances are in a different category The subject matter of the present motion is of even deeper interest to the community whose members have spoken and I can give the undertaking that we shall examine it sympathetically as soon as war pressure is over and we are in a position to consider the grant of concessions again. I suggest if the Honourable Member is satisfied with the assurance I have given, he will withdraw the motion

**Khan Bahadur Shaikh Fasi-l-Haq Piracha.** Sir, I beg leave of the House to withdraw the motion

The motion was, by leave of the Assembly, withdrawn  
*Overcrowding in the Trains and particularly in Inter and Third Class Passengers' Compartments and Inconvenience caused to the Travelling Public in these days*

**Mr Muhammad Nauman.** Sir, I move

"That the demand under the head 'Railway Board' be reduced by Rs 100 "

Sir, the purpose of this motion is simple and it does not require any elaborate explanation Since the beginning of the debates in this Session, probably Honourable Members must have noticed that most of the speeches made on one motion or the other centred round the question of transport difficulties, whether for commodities or human beings So, I believe the Honourable Member for Communications has been able to see the anxiety in minds of the people's representatives on the situation which has arisen under the present conditions Of course, by this motion, I particularly want to bring to the notice of the House the question of overcrowding in trains and, particularly, in Inter and Third class compartments The question of overcrowding in Inter and Third class compartments has been more or less of a chronic type and this question probably was brought before us in the Central Advisory Council some years before, and some kind of census on different trains was taken and probably they were trying to relieve the people from that situation then Now we find that that dormant chronic condition has relapsed into a more acute and worse form These conditions have resulted out of a few particular situations which have arisen in these days I am particularly speaking of Calcutta when the panic started Arrangements were made for running duplicate specials three or four days after the panic had started I was told by some people, although I cannot vouch for its accuracy that one or two persons died on the platform at Howrah because of the great rush Duplicate train arrangements were made three or four days after the panic started but this delay was certainly criminal First, the panic started in Calcutta, then, it started in Madras, and probably it may start in other places too The question is that the Government and the Railway Administrations ought to have been ready and should be in a position to tackle the situation, whenever it arose in different cities and at different times To my mind it seems the Railway Administrations have miserably failed to provide for this situation That is one point, which requires serious consideration

Later on, they came with a programme to cut down passenger trains and on the East Indian Railway alone I understand about 78 trains have been cut down including those on branches and the main line With the condition of overcrowding being so severe, when 78 trains are cut down, the House can easily imagine what could be expected Regarding up

trains which start from Calcutta, there may be the question of panic in that particular city, but you will find that even in the down trains which reach Calcutta, normally there is no comfortable accommodation for Inter and Third class passengers. In many cases, it was found that the number of compartments of Inter and Third class has been reduced because more First and Second class or more saloons had to be added to the particular trains and the load of the train had to be maintained. All these things were done at the cost of mostly Inter and Third class passengers. As I have said earlier, the pressure all along has been mostly on Inter and Third class passengers. You can imagine that the reduction in the number of trains and the reduction in the number of bogies and compartments to facilitate the movement of the military and travelling of higher officers must have made the position much worse. Now, Sir, the Honourable Member may say that there are not enough locomotives or engines to run additional trains or to maintain even those trains which have been running for a few years past. Can they not think of running trains between certain distant stations, say 200 and 300 miles apart and reduce the number of long distance trains? Sometimes it may be possible to reduce the number of short distance local trains as well. But it will probably be most inconvenient if the trains for long distances say between Howrah and Delhi are reduced.

I was told by a responsible officer of East Indian Railway that effort has been made only to cut down trains which run on sectional lines, that is, local trains or trains which run on branch lines like Patna, Gaya line and other branches. This has been done to maintain the main line and the chord line trains which run between Delhi and Calcutta or such long distances stations. In the Central Advisory Council no papers were circulated regarding these. Reports were made to me by a responsible officer of the East Indian Railway administration that effort has been made only to reduce the number of local trains, but we do not know the actual position. Judged by the whole fact, the position is that on any train and on any important station, if you just see, there is hardly any accommodation possible for even the number of passengers who are travelling on short journeys for way-side stations. I have known instances where in large stations like Patna Junction people had to miss trains because there was no possibility of their being accommodated in any Inter or Third class compartments. Of course, there has been overcrowding also to some extent in First and Second class compartments. I do not want to refer to this at this moment. The situation in Inter and Third class is more or less of a chronic type and it has relapsed into acute condition now in spite of the best efforts of railways. Railways are able to avoid inconvenience and discomfort to the travelling public in Inter and Third class compartments if they desire to do so but they would not do it. Their condition is now awful. I ask the Honourable Member to realise how he is going to improve on this particular situation. Can he not think of running Inter and Third class trains with higher loads and on longer distances? Can he not think of any other alternative suggestion of a concrete type which would relieve the public from this appalling condition?

He should also seriously think over such contingencies of panic and that railways should have ready plans for evacuation of all such big cities where panic may start at any later stage—it cannot be said where it may start—but the story of Calcutta or Madras should not be repeated. I do not know much about Madras as to how things are happening there, but, as I said in the earlier part of my speech I saw things for myself in

[Mr Muhammad Nauman]

Calcutta, and for that reason I ask the Honourable Member to think over all these arrangements beforehand and try to relieve the public from the trouble in which they may find themselves. Sir, I move

**Mr Deputy President** (Mr Akhil Chandra Datta) Cut motion moved

That the demand under the head 'Railway Board' be reduced by Rs 100 "

**Maulvi Muhammad Abdul Ghani** Sir, the overcrowding in these days is due to three causes. The first is that about 50 per cent of the trains have been curtailed. The second is that trains are always too late at the stations where passengers have to change for different lines. And the third cause is that the trains now-a-days do not have the maximum number of carriages, perhaps the administration, or the Guard, or the person in charge of the train is afraid that he may have to attach some reserve compartments or saloons, but the other day the Honourable Member for Communications said that saloons will not be attached to passenger trains.

**The Honourable Sir Andrew Clow** Military saloons to mail trains.

**Maulvi Muhammad Abdul Ghani** However, there would be some relief at least. About the first cause, namely, curtailment of trains, I am not going to urge that the number of trains should be increased these days but as regards their being late, I hope, the various administrations will take into consideration the inconveniences of the passengers. For instance, the Bengal and North Western Railway have arrangements to carry passengers with the help of the Eastern Bengal Railway from Amin Gaon direct to Lucknow and one route is from Amin Gaon up to Allahabad via Chhappa. So there is direct communication from Amin Gaon by the Eastern Bengal to Lucknow and to Allahabad. There were formerly eight fast trains running through the Bengal and North Western Railway system, but these days they have been curtailed to only four—two via Bhatni and two via Benares to Allahabad. During my recent travel I found that the train which was destined to reach Lucknow at 4-15, namely, 13 Up, actually reached there at 8-15, and thus the connecting trains for Delhi and other Central places were lost because the Great Indian Peninsula train starts from Lucknow at 6.5 A.M. and the train was late by more than four hours. So the passengers of that train who were in considerable number had to remain there. The next train came and that train carried a number of passengers and besides the Bengal and North Western Railway's passengers a number of passengers also came by the East Indian Railway train. So unnecessarily, there was accumulation of passengers at a central place like Lucknow. The overcrowding was inevitable. I think the authorities should refer this matter to the various Railway Administrations that they should avoid unnecessary haltings. I found a train halting for about an hour instead of 15 or 20 minutes at certain stations and there was no necessity in my opinion because no train was to pass from the Lucknow side for which that train had to wait. The drivers should be warned that they should not unnecessarily delay the trains at particular stations. They should be cautious not to make unnecessary delays because there is no unnecessary burden on their minds about the war.

Then, there are instances of certain branch railways which come to certain stations and have not been extended a few miles to a central place from where people come in large numbers to attend Courts and other

business. For instance, at Chappra I saw that a train starts from Baraiah Junction—No 17 Up—which comes to Chappra at 17-19 hours and stops there, and all the people going to Savan side had to wait besides a number of litigants after finishing their business by about 17 hours, assemble at Chappra station and have to remain there, on account of the stoppage of this train. Had this train been extended by 40 miles up to Savan, about two to three hundred persons would have daily been cleared by that train. This journey would take only two hours and from Savan that very train would have started as Down train No 18 at 4-0 A.M. and carried about several hundred passengers up to Chappra and it would thus relieve the main line passenger trains which are only two, from the Savan side. About 200 passengers who are men who have to look after their business, such as court litigation and the like, will have more convenience. Every day about 200 persons starting from the Savan side to Chappra have to remain at Chappra unnecessarily for taking another train which is at midnight and the people carried from this side altogether have to find their seats in a train which is not sufficient for them. Simply a little attention is required on the part of the administration of the Bengal and North Western Railway that they should extend No 17 Up and 18 Down up to Savan, so that the main line passengers may not be unnecessarily put to inconveniences and overcrowding.

There is another difficulty created at Cawnpore and at Lucknow. The Bengal and North Western Railway train, 11 Up, goes up to Cawnpore and it reaches there at 22 hours, when there is no corresponding train for the passengers of the Bengal and North Western Railway to take the train of the East Indian Railway—and it is a specially inconvenient time. Instead of this 11 Up running up to Cawnpore, it would have been better if it stops at Lucknow, and the 18 Up is continued to Cawnpore, because even if that train is delayed, there will be ample time for the west-bound passengers to take the train of the East Indian Railway at Cawnpore. In this way the congestion at Cawnpore and Lucknow will be relieved and the overcrowding of several hundred passengers will not take place. These things are happening every day. I think this may be analysed, and if the administrations come to my view—having regard to the circumstances. I think they should agree to my proposal—this will be done when the matter is referred to them. With these few words, I support the motion and hope that overcrowding which is unnecessarily high these days will be stopped and that efforts will be made in this direction to decrease overcrowding which is quite unnecessary. With these few words, I support the motion.

**Qari Muhammad Ahmad Kazmi** (Meerut Division, Muhammadan Rural). Mr Deputy President, the question of overcrowding in trains and especially in third class and intermediate class compartments has been a continuous complaint in this House and among the public generally for a large number of years. Now, on account of the war, train services have been curtailed, lozies have been stopped, and the old habits of travelling continue, and it is a very serious problem as to how to control the traffic and provide convenience for the passengers. No doubt it is for the railway authorities to consider this point, but I have not yet been able to understand as to the principle on which railways have been curtailing the train services. They always promised to give sufficient accommodation for third class and intermediate class passengers, but the position was not satisfactory even before the war started. Now, the question is as to whether the authorities have taken a census of the passengers in pre-war

[Quzi Muhammad Ahmad Kazmi]

time and as to whether they have found a means of curtailing the number of passengers who travelled by these trains before they started curtailing the number of trains themselves. We are living in Delhi, and it requires no argument, but only a little trouble, to satisfy oneself as to whether there is overcrowding or not. Only about two days ago, I saw the Bombay Express which leaves this place at about 8.20—a number of bogies, about half the train, is attached from Delhi, and if you only go at 7 in the evening to the Delhi Platform and look at the bogies which are to be attached to that Express, you will find that at 7 in the evening there is absolutely no space in third class bogies and the inter-class compartments. It is absolutely flooded with people long before the train comes from Bombay—people have to enter the carriages not through the doors but through the windows. This is a thing which is happening before our eyes, and I shall just ask the Railway Member and the authorities to consider this point, not because it is coming from us who are probably considered as criticising merely for the sake of criticism, but from the point of view of humanity, from the point of view of convenience from the point of view of the people who have to travel from one place to another and only want a little comfort and a little space in the compartments provided by the railway. I know the difficulties of the authorities, but the question is that they can very well provide conveyance for the military by special trains, but if more than half of every train, a number of bogies, is to be filled by the military people every time, the travelling public is bound to have a shortage of space, and overcrowding is bound to happen. So, I suggest that before effecting any curtailment of the train service, the Railway authorities should go through the previous statistics and then decide as to what are the directions in which the trains can be curtailed. I think that the curtailment of passenger trains has not been of so much benefit to the railway itself as it has been to the discomforts of the people. Now because of the curtailment of local trains, the difficulty has come to this that every person who wishes to travel has to travel by some through train. As we all know, through trains are overcrowded already. So the problem of passenger service should be considered along with the number of passengers that the railway is expected to carry, and then they must let the public know as to the number of passengers the railways are prepared to carry, and the Government as a whole must consider as to what is to happen to others who want to travel as they are deprived of other forms of transport like buses and lorries. This matter has to be considered with the aid of statistics in that case overcrowding will disappear. So I suggest that this matter should be considered with the seriousness it deserves, and we should like to know how the Railway Board proposes to solve this problem of providing sufficient accommodation for the passengers who want to travel if the number of trains is curtailed. Sir, I support this notion.

**Mr. Jamnadas M. Mehta:** Sir, I rise to support the *cut motion* moved by my friend. This used to be a hardy annual when I was here about ten years ago, and there used to be such a warm discussion that practically a whole day was absorbed in ventilating the grievances of third class passengers. As a result some improvement did take place, but I find that the position still remains much the same. The Honourable the Railway Member cannot be unaware that during the last ten years the population of India has grown. Four crores is the additional population. What was not sufficient for 35 crores of people



cannot be sufficient for 38 crores and 80 lakhs. What have Government done to increase the accommodation for the third class passenger?

**An Honourable Member** Nothing

**Mr. Jamnadas M. Mehta.** If I say nothing, it would not be perfectly accurate, but I will say it is hardly anything. From the Annual Report for the year 1940-41 published only a day before the presentation of the Budget, I find that during the year under Report, all that was done was 246 new and re-built carriages were made available—page 76 of the Report. Now, even supposing that in one such carriage 50 people could be accommodated, the total number of new passengers that these newly built or re-built carriages can carry will be 12,300. Does the Honourable the Railway Member think that in a country which has in ten years added five crores of people to its population, new carriages that will carry only 12,000 passengers will be enough? Is that reasonable that for the growth of population of five crores, only 12,000 travel every day? Is that a correct percentage? I should say no. It is far too low. Is a country with a population of 4 crores 88 lakhs to have only 246 new carriages for third class passengers? I think the position is very ridiculous that the number of new carriages built should only be 246 when the increase in the new population is nearly five crores. Supposing you built some more carriages in the previous year,—I have not got the figures here,—but with the figure of 246 before me, I am bound to say that overcrowding was inevitable. I understand that in some carriages the limit of passengers has been fixed, that is to say, not more than so many could sit in the carriage, but that limit has now been withdrawn, so that it does not matter how many actually sit in the carriage, how they are made to sit, how many stand, and how many stand on the footboard of the carriage.

Sir, the position will be accentuated by increases in fares and decrease in the number of trains run. Therefore, this proposition should be accepted by the House, unless, of course, the Government give an undertaking that in the course of the year they will build at least 5,000 new carriages. With a 30 crores surplus, what right have you to overcrowd your only real patron, the third class passenger? My friend, Mr. Joshi used to say every year that the first and second class passengers live on the charity of the third class passengers. This is his usual observation, and now, even he is tired of repeating that observation. But the fact nevertheless remains true that the first and second class passengers live on the charity of third class passengers. I need not go into the parasites whom I described yesterday. These bugs should disappear. They take away the very blood of the traveller, but the Railway Board knows that this House is an attenuated body that in war time criticism is apt to be mild, and they can gather as much money for other purposes as they can while the sun shines. I, therefore, hope, that the House will not accept this position lying down. After all the only customer who pays to the Railways is the third class passenger.

Then, Sir, reference is made to the inconveniences suffered by the third class passengers. These inconveniences don't seem to have been removed by what is stated in the Annual Report. We were told a lot last year about the Kumbh Mela arrangement at Hardwar and that you

[Mr Jamnadas M Mehta]

had added a new platform or a new station. The Government have before them also the complaints of the Jain community that in Parasnath, which is an important station which is visited by thousands of Jain pilgrims for pilgrimage, there is no platform at all. The passengers reach the station at day time or night time, there are always hundreds and thousands of Jain pilgrims, but there is no platform at Parasnath to protect them from sun and rain and accident. They have made a representation without results. With Rs 30 crores, with your pockets bulging out on both sides, that you should make no provision for such amenities of the passengers and cause them overcrowding and inconvenience is to my mind unimaginable except in a country like India.

I refer the House also to the inconvenience that is caused in Bombay both at the Bombay Central and the Victoria Terminus, by the entrance to the third class being placed at a great distance from the main platform from which a large number of through carriages and trains leave. For old men and children it is a real trial, a racing with death. Some relaxation, I am told, is now made at the Bombay Central, but I am sure that if the Members of this House were compelled to travel in third class and go to the Bombay Central Main platform through the approach for third class passengers, all of them would die of heart failure. You have to mount up and in a zig zag manner before you reach the top of the bridge through which you again descend to the main platform. I am told that in the Bombay Central at least some change has been made, but I am not aware of a change made at the Victoria Terminus. I do not wish to go into the endless grievances of the passengers, but I myself know that still at many stations water is not available.

**The Honourable Sir Andrew Olow** I thought we were discussing overcrowding.

**Mr Jamnadas M Mehta** Inconvenience—both overcrowding and inconveniences. I am talking of inconvenience on account of water.

**Mr Deputy President** (Mr Akhil Chandra Datta) 'Inconveniences' is mentioned there.

**Mr Jamnadas M Mehta** Why should the Honourable Member interpret the cut so narrowly?

**The Honourable Sir Andrew Olow** I should think that if the Honourable Member had listened to the ruling given by the Deputy President yesterday, he would have seen the convenience of confining discussion to a single point.

**Mr Jamnadas M. Mehta** It was the convenience of the Railway Member that dearness allowance should not be discussed, although I tried to bring it by a side door. The Honourable Member conveniently avoided replying, but today he is caught. The word is "inconveniences" there, and I do not want to let him escape so cheaply if I can help. I myself do know, that the number of people who serve water to a train with 12 carriages is one. Therefore, while water is there, not a drop is

available—water, water everywhere, but not a drop to drink. I, therefore, suggest, that water supply, particularly in summer days, should be made very largely available so that one need of the travelling public during the hot summer months may at least be adequately met.

**Mr. Deputy President** (Mr Akhil Chandra Datta) Order, order. I feel inclined to revise the ruling I have given a little while ago. Here "inconvenience" obviously means inconvenience due to overcrowding, and not other inconveniences.

**Mr Jamnadas M. Mehta** I would like to make my submission. The wording is like this, ' ' particularly in Inter and Third class passengers compartments and inconvenience caused to the travelling public in these days. Two things are under discussion.

**Mr Deputy President** (Mr Akhil Chandra Datta) My interpretation is that the inconvenience there refers to inconvenience due to overcrowding. That is my ruling.

**Mr Jamnadas M. Mehta**. When an interpretation is doubtful, it should be in favour of the aggrieved party.

**Mr Deputy President** (Mr Akhil Chandra Datta) The Honourable Member has already had his say.

**Mr Jamnadas M. Mehta** I know that on account of the way in which it is worded, it is open to the same thing as I am saying, and also as the Honourable the Railway Member says. When two constructions are possible the one more favourable to the public should be given.

**The Honourable Sir Andrew Clow** I may remind the Honourable Member of Mr President's ruling that an Honourable Member must confine himself to the points raised by the Mover. He gave that ruling in connection with a discussion on Provident Fund yesterday.

**Mr Deputy President** (Mr Akhil Chandra Datta) The Honourable Member has only one minute more.

**Mr Jamnadas M. Mehta** I shall complete my speech. In one minute I shall give him some pleasant news. A friend from Poona writes to me to complain that the hair cutting saloon at the Victoria Terminus is closed, that it is a great amenity taken away, which the public had been enjoying for the last so many years, and that I should definitely ask a question on this subject in the House, when there is a hair cutting saloon at Howrah, why not one in Bombay, and why this provincial discrimination? My friend who is an ex-Member of this Assembly, writes to me from Poona. He says, severely cross-examine the Railway Member, ask supplementary questions.

**Mr. Deputy President** (Mr Akhil Chandra Datta) The Honourable Member's time is up.

**Mr Jamnadas M. Mehta** Therefore, my last request to the Honourable Member is listen to the complaint about the hair cutting saloon

**Mr Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions Muhammadan Rural) I have not much to say it is only two points that I want to refer to During my travel I find that children of the officials of the Railway Department such as Station Masters and Assistant Station Masters who are posted not at the main big stations but at wayside stations have to go and attend their schools with a free pass They are generally accommodated in the Inter class or Third class Of course it is a necessity for the servants of the railways to send their children to school But what happens in such cases is that they generally occupy and overcrowd the compartments They have also to take some servant or guide to drop them at their schools If the railway administrations want that children of their railway servants should be sent to schools they ought to arrange for either a small bogie or a small compartment separate from the ordinary passengers compartments That has been my experience For instance when such children go from Kakori to Lucknow or from Malhar to Lucknow what I find is that the children travel in the ordinary compartments and the passengers are overcrowded The result is that even if there are ladies they have to give the seats to the boys who go to the schools As you know these small urchins create all kinds of mischief They walk about from one side to the other and there is very little accommodation for the ordinary passengers This is the result of your issuing free tickets and free passes Therefore I would submit in addition to the inconveniences which have been pointed out by the previous speakers you may also consider this inconvenience caused by these school children and provide for them some separate compartment so that the ordinary public may not be put to any inconvenience I recognise that you have got to provide for the soldiers and for special trains and that you have also got to curtail your trains to a great extent but still if the members of the Railway Department will put their heads together and bring out a well thought out scheme it will be better and that will avoid this inconvenience to the public

**Mr Lalchand Navalrai** (Hind Non Muhammadan Rural) Sir I have got up not to inconvenience the Honourable the Railway Member but I have got up to get convenience from him for this overcrowding and if he wants that he should not be inconvenienced then he should be very ready to find out some remedy for this evil Now the question of overcrowding is not a new one I should think it is a permanent evil which has remained for a very long time and every time attempts have been made to ask that there should be more wagons or certain conveniences should be provided in such a way that this evil should be removed Our complaint has always remained unheeded Even the ladies and children are so much inconvenienced that it is a sorry state of affairs that the Railways should not have done anything for them up to this time Now things have come to a crisis and that is because the Railways hitherto have done nothing At the present moment we find there is so much overcrowding because a sufficient number of carriages are not being attached to the trains as to accommodate the third class passengers but even the soldiers and the military people are being allowed to travel in

the same trains. Formerly, we used to see that there were separate trains for these soldiers. Now, we find that they come in the ordinary trains and that causes great inconvenience, because they occupy the seats that are meant for the ordinary passengers and that causes so much harassment. The Railway Department cannot possibly say that we are unable to do anything. If they are unable to do anything at this time, they must close the railways rather than say that we will run the railways and make out earnings whatever may be the inconvenience to the passengers. This is absolutely unreasonable, to use no other word. I am conscious of the fact that this time they have got some excuses due to the war but what have they done? They see with their open eyes that the passengers are being overcrowded and I do not think that even the Honourable the Railway Member or the Members of the Railway Board can say that there is no overcrowding.

The Honourable Member has said in his speech that the rising necessity of the war with all its direct and indirect effects is likely to have cramping effects on the general public. He says there is little prospect at present of the Railways meeting more than a proportion of the demands made upon them even if the tide of battle comes no nearer our shores. That is to say, even though the war does not take place in India, God forbid it, he is feeling himself so unable and so powerless that he is leaving everything in the lurch. Now the Honourable Member should exercise all his effort to find out which are the ways by which this travel should go on and it is the duty of the Railway Member to find that out and there are many ways which he can himself explore and find out. For instance now, motor cars and buses have been stopped more or less. The Railways may take up these buses and cars and run them, so that at least for short distances this overcrowding may be avoided. The Honourable Member says in his report that there is likely to be hardship on an increasing scale but that those running the railways will do as much as lies in their capacity to eliminate unnecessary hardship. Now overcrowding is a matter which cannot possibly be denied. It is doing harm and people are huddled up in the trains not only men but women and children and if the Honourable Member wants to eliminate unnecessary hardship this is the hardship which should be removed. Therefore it should not be said that 'we cannot help you.' I do not think that such a reply should be given and I think it will be a disgrace to the Railways if they give such a reply.

**Mr Umar Ali Shah** (North Madras Muhammadan) Sir, the story of the overcrowding of third class compartments has now become very painful and the third class passengers undergo great hardships. The railways look after the comforts of the first, second and inter class passengers, but they pay very little heed to the comforts of the third class passengers. This is not the right policy. I do not want to dilate on the political aspect of the question, but it appears to me because of this overcrowding, that the third class passengers are great sinners. The Hindu Dharm says

"Idanodoshana Bhaxadaratra  
Dardradoshana Karotapapam  
Papamkaroti Naralampragaya,  
punardardraha Punarvapasi."

[Mr Umair Aly Shah ]

This means They are poor Due poverty is the result of the great sins committed by them "

These third class compartments are nothing short of veritable hell. Besides, there are so many ticketless passengers in these third class compartments which fact goes to increase their overcrowding. As the House is aware, not less than 13 lakhs ticketless passengers travel every year. Besides, we have in these third class compartments so many beggars, pickpockets and thieves. All these factors make travelling by third class compartments nothing short of hell. There are so many restrictions for the higher class passengers, but there are none for the third class passengers. I have seen myself recently as many as 2,000 passengers being huddled together in a few third class bogies. The Railway Member has shown a surplus budget, but what has he done for the comfort of the third class passengers? Where is the accommodation for them? The station masters and other railway officials show no regard for these poor third class passengers. I was formerly a member of the Congress, and I have had many occasions to travel by third class compartments. I can say from personal experience that third class travelling is very uncomfortable. Our religious susceptibilities are also hurt when we travel by third class compartments. I request the Honourable the Railway Member to consider this problem of overcrowding in a sympathetic manner.

How many third class compartments have been made? Recently 20 per cent of the trains was cut short for strategical purposes. In spite of this many Branch Lines have been dismantled causing greater inconvenience to the people. Sir, I support the motion.

**Mr J. H. F. Raper** (Government of India Nominated Official) Sir, my Honourable friend Mr Nauman has indeed raised a point which is of great importance and obviously of very great general interest. As he says, previous speakers on previous days have referred to the difficulty the public are experiencing and I can assure him the House and you, Sir, that this is fully appreciated. The position is giving us a great deal of anxiety at the Railway Board and also the Railway General Managers. We are well aware that overcrowding is taking place. I have personally seen it and have had meetings with General Managers and they have told me the difficulty that is being experienced. But unfortunately, although my Honourable friend, Mr Lalchand Navarai, says there must be a remedy, we have not yet been able to find one. I am afraid the position is likely to get worse instead of becoming better. I can assure you that we will do all that we possibly can to help the situation.

**Mr Lalchand Navarai:** In what way?

**Mr J. H. F. Raper:** We will refrain until the last possible moment from reducing the train service any further or curtailing accommodation. That is a thing which I can say quite frankly. On some railways, as the House knows, there has been no reduction up till now. Unless the position deteriorates on these railways, we shall hope to stave off the evil day before any reduction is made. I may here refer to the fact that on one

railway there has been a slight increase. That has happened to the suburban service of the G I P Railway.

**Mr. Muhammad Nauman:** Are all the trains running with full load? When you put saloons or reserved bogies, do you make any compensation for them so far as the third class and Inter class passengers are concerned?

**Mr. J. H. F. Raper:** I was coming to that point. I was just referring to the general position and difficulty. It has been stated, I think by Mr. Lalchand Navalrai, that overcrowding has been going on for many years. That, I am afraid, I am not in a position to admit. As the House will be aware, a census has been held on every railway every year. The results are put before the local Advisory Committees on Railways where they are examined. I know that on many railways where a particular train is found to be overcrowded, an additional coach has been put on it. The latest figures that I have of overcrowding show that it was very small, something under one per cent. I do not think that showed at that time a chronic state. Since then, of course, the position has got very much worse but railways will do their utmost to watch it and see where the shoe pinches most, and if they are in a position to do so, they will relieve the position by attaching additional coaches. What the railways have done is first to start propaganda urging people to refrain from travelling as much as possible. This has been done in other countries, it is of course done in Great Britain, and we hope that this will have some effect to deter those passengers who do not necessarily have to travel from doing so. It will leave more room for the others. That may have some effect, we hope it will, and we shall continue with those efforts. After that propaganda was launched the position deteriorated rather rapidly and certain train services had to be curtailed owing to coal shortage, as I think the House is aware. But we do hope that this propaganda will have some effect, because I cannot believe that of the thousands and millions of passengers that we carry it is essential that every one should travel.

Another point to which Mr. Nauman referred was the panic that occurred at Calcutta and was likely to have occurred in Madras.

**Mr. Lalchand Navalrai.** Sir, I am not able to understand how it is said that they travel unnecessarily. I cannot believe that in these days they make unnecessary travel.

**Mr. J. H. F. Raper:** I said that among the thousands and millions of passengers that travel there must be some who need not travel, and if they need not, I say it is unnecessary. They may have their own reasons of course but we cannot in these difficult times always do what we want to do.

I was talking about Mr. Nauman's reference to the panic at Calcutta and the possibility of that having happened at Madras. So far as Madras is concerned we have not heard that there was any difficulty. The number of passengers who were cleared from Madras more than in normal times is very considerable. From Calcutta the number of passengers within a comparatively short time, from about 20th December to sometime towards the end of January, the number over and above the usual, was nearly half a million.

[Mr J. H. F. Raper.]

I think he made particular reference to the East Indian Railway. For many days on end the East Indian Railway ran five additional special trains, and over and above that they attached extra coaches to their normal trains which were the equivalent of two more special trains, making seven in all. These trains, some of which ran through to Delhi, caused very considerable difficulty especially on the single line sections, and goods traffic was of necessity delayed. Had the full evacuation scheme, which has been prepared, been put into force it would have been quite impossible to have continued with the goods traffic on anything like the present scale, and the probability is that it would have to have been stopped altogether. I think every one will appreciate the necessity of our moving coal for example. All these trains would have passed through the coal area and would have stopped any of the coal trains moving, and whoever made the decision it was a wise decision that that scheme should not be brought into force at that time. In matters of this kind the General Managers of Railways act in careful and close consultation with Provincial Governments and they did in this case, and we are assured that whatever the East Indian Railway did was as reasonable and as much as they could do in those circumstances. This the Honourable Member for Railways has already explained.

Mr Nauman believes that the East Indian Railway has only curtailed local trains. That does not seem to be the position to us. We know that the East Indian Railway has taken off certain of their trains on their single line in the Moradabad Division, and near Cawnpore, and this has been done specially to leave room for additional goods trains and it is a very necessary measure. It is true that on some of the branch or less important lines trains have been cancelled but that again would be justified and probably essential in order to relieve engine power and running staff, in both of which we are very short at the moment.

[At this stage, Mr President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Maulvi Abdul Ghani complained of the unpunctual running of trains. He also explained that we have not got the maximum number of carriages on these trains. One most prolific reason for unpunctual running is a heavy train, and it is very largely because these trains are running very much in excess of their normal load that there is unpunctual running. If you put two engines on a train you get delayed for watering, and if you have only one engine you cannot go as fast as you normally should, and so unpunctuality results and other trains are thrown out of gear. And that is one of the reasons why running is so unpunctual at the moment. Some of the railways are proposing to slow down their trains so that they can increase the loads on them and at the same time maintain punctuality. This will not be very acceptable to some people of course but it is one means of improving the situation and at the present time it appears to be the only means.

In regard to Maulvi Abdul Ghani's other remarks which I was not able to follow altogether because I am not acquainted very well with that part of the country, a copy of his speech will be sent to the Bengal and North-Western Railway and I certainly hope it contains suggestions which will be helpful to passengers and they will find it possible to adopt them.



Mr Kazim referred to passengers getting in through the windows. That is not necessarily evidence of overcrowding. It may be evidence that some very careless passenger has put his luggage up against the door and you cannot get in at the short time at your disposal. But it may also be an indication of overcrowding which I have already admitted is existing.

Mr Jamnadas Mehta rather floored me with his statistics. I think he said that we had 246 new carriages and if you put 50 people in each they would accommodate 12 thousand. We certainly use our carriages to better purpose than just once a day in the year and no more. Even if we allow for a full load in these carriages only once every two days, and normally the number that they accommodate is somewhere near 100, it looks as if we had made provision for the carriage of about 4 crores of passengers with these additional coaches on a ten year basis. So it is not far short of his estimate of the increase in the population.

Then Mr Mehta referred to the inconvenience at Bombay Central, which has been put right, and at Victoria Terminus. I was under the impression that the G I P Railway had endeavoured to do something at Victoria Terminus and had permitted third class passengers who had booked their seats at city booking offices to utilise the Fort end, but what he said will be transmitted to the G I P Railway to see if they are able to take any action.

Then, he raised the question of the hair dressing saloon at Victoria Terminus. I understand the saloon was in use last October and if it has been closed since I am afraid I cannot guarantee that it will be put back again. It is no use providing a saloon if passengers do not use it, or if a hairdresser cannot be persuaded to work it.

His complaint regarding water is of course a matter which will receive attention—it always does—both during the hot weather and at other times. We would, naturally, prefer to have more details as to where we are amiss in this respect and whether the normal programme undertaken by Railways to provide water is inadequate.

**Mr. Jamnadas M. Mehta:** I may tell the Honourable Member that I had to seek the services of the Guard and the Station Master to get water.

**Mr. J. H. F. Raper:** I should like to know the name of the station, so that we may be able to do something about it.

**Mr. Jamnadas M. Mehta:** Frontier Mail at more than one station.

**Mr. J. H. F. Raper:** Another complaint has been made regarding military men travelling by ordinary trains. We cannot help their travelling by ordinary trains. When they are not sufficient to travel by a special train they are given, as far as possible, reserved compartment or are accommodated in additional coaches, but there are always likely to be small parties moving about in the ordinary passenger train services and if it causes a little inconvenience I can only express regret. Soldiers are passengers we should be very glad to see.

**Sir F. E. James:** Surely they are not untouchables.

**Mr. J H P Raper** I have endeavoured to give an account of the position and to show that we appreciate that difficulties are very real and very serious. We shall, I promise, do the utmost we can to relieve these difficulties of passengers, but as I have said they are bound to increase.

**Mr Muhammad Nauman** (Pitru and Choti Nagpur cum Orissa Muhammadan) Sir, I beg leave of the House to withdraw the motion.

The motion was, by leave of the Assembly, withdrawn.

**Maulvi Muhammad Abdul Gham.** Sir, I wish to move motion No 45 on the Final List.

**Mr President** (The Honourable Sir Abdur Rahim) It is not on the agreed list. I do not know whether the Honourable Member in charge has any objection to its being moved.

**The Honourable Sir Andrew Clow** Sir, I have no objection if it suits the rest of the House.

**Mr. President** (The Honourable Sir Abdur Rahim) I do not know whether there is any objection to this cut motion being moved.

**Several Honourable Members** No objection.

#### *Railway Accidents*

**Maulvi Muhammad Abdul Gham:** Sir, I beg to move

"That the demand under the head 'Railway Board' be reduced by Rs 100."

Sir, I find that the increase of revenue in Railways is accompanied by increase of losses of lives and increase of accidents. In 1940, there have been a number of accidents which find place on page 82 of the Railway Administration Report (Volume I), and the other day an accident took place at Khaga. Accidents are taking place every now and then and especially in these days of overcrowding there is every danger of such accidents. I, therefore, think it proper to draw the attention of the authorities to this matter.

When I compare the figures of the accidents which have taken place, I find that during the year 1937-38 the number of total accidents which took place over all Railways was 18,910 and during the year 1940-41 it increased to 20,285. And as regards the loss of life the number of passengers who lost their lives in 1939-40 was 229 and this has increased in the year 1940-41 to 308. The number of passengers injured have increased from 1,298 in 1939-40 to 1,319 in 1940-41. Similarly, casualties among the railway servants excluding those in railway workshops also have increased from 178 in 1939-40 to 243 in 1940-41. The number of injured in 1939-40 was 15,882. It increased to 17,373 in 1940-41. Under the third category—"Other than passengers and railway servants"—the number of persons killed in 1939-40 was 3,130 and this has increased to 3,201 in the year 1940-41. The number of injured under this head has increased from 1,102 in 1939-40 to 1,141 in 1940-41. Thus the total number of casualties excluding those in Railway Workshops have increased from 3,537 in 1939-40 to 3,752 in 1940-41 and the number of persons injured has also increased from

18,282 in 1939-40 to 19,833 in 1940-41. It is contended in the Administration Report that the number of passengers killed and injured is comparatively lower than the number of Railway servants and other persons, but I submit that after all, whether they are railway servants or they are passengers, or outsiders, their life is also equally dear as the life of passengers. Thus it is evident that the number of lives lost and injured due to accidents has been increasing regularly. If it had been the case that in some years the number was greater and in the next year it had come down, then we could have come to the conclusion that it was due to accidental causes, but this regular increase in the number of casualties—killed and injured—is a question to be seriously considered. In the very beginning I said that as the revenue is increasing so are the casualties increasing and so I urge on this House the necessity of drawing the attention of the Railway Board to exercise their proper control on the various administrations to decrease the number of accidents and to warn their employees to be more careful. One of the reasons has been stated by the Honourable the Railway Member in his speech, that experienced personnel in growing numbers have gone on military and other services. It may be true that on account of the inexperience of the personnel some accidents may be caused. But this principle in my opinion does not hold good because the number of casualties has been increasing regularly for long long years ago. It is not during the short period of the duration of the war, but even in those periods when experienced personnel were in charge of the railway trains. I hope the actual causes of accidents will be ascertained and efforts will be made to see that their number, instead of regularly increasing, should be regularly decreased. With these words I commend my motion to the House and I hope the House will accept it.

**Mr President** (The Honourable Sir Abdur Rahim) : Cut motion moved.

That the demand under the head 'Railway Board' be reduced by Rs. 100.

**The Honourable Sir Andrew Olow** : Sir, I was not aware until I came into the House this afternoon that this subject was going to be raised. So I cannot deal with it as fully as I should have liked. But it is a subject with which the House is already fairly familiar and, unfortunately, we are reminded from time to time by accidents like the regrettable one which occurred the other day on the East Indian Railway that travelling by train, as by any other form of fast locomotion, can never be entirely guaranteed against accidents. If I heard the Honourable Member rightly, he alluded to the accident at Khaga and many smaller accidents. I have not, of course, had the report on this accident as yet, but the information at my disposal suggests that it was not similar to any accident of which I have previously heard. The preliminary information I have is that the signalling gear was put out of action, probably by a storm, and that the train, in consequence, ran in, and instead of running through on the main line, ran into the loop line on which there was a goods train standing. But I do not propose to deal with the responsibility for the accident because that is the subject of an investigation by the Chief Government Inspector of Railways, who rather, fortunately, happened to be at the time at Allahabad and was able to reach the scene within a few hours of the accident. I can assure the

[Sir Andrew Clow]

House that we feel the same sympathy as they do with those who have suffered in that accident, and I gather that the relief arrangements were prompt, and I hope, efficient

**Sir Muhammad Yamin Khan** (Agra Division Muhammadan Rural)  
If the Honourable Member does not mind my interruption, may I ask how, if the signalling gear was put out of order, the train ran into the other train which was on the loop line? The signalling gear getting out of order only means that they did not get the signal, but how was the change of line effected?

**The Honourable Sir Andrew Clow** I should prefer not to enter into details until I have the Chief Government Inspector's Report because that will be placed in the Library of the House, but my supposition—and I would say it is a pure supposition at present—is that owing to the signalling gear being out of action, it was not possible for the signals to warn the driver that the points were set for another line.

Now, Mr Abdul Ghani suggested that accidents were on the increase. But I do not think that there is really any foundation for that suggestion. He compared certain accidents with those of the previous year. I have not, unfortunately, been able to study the figures for a number of years back, except in one case. I think, if he will turn to page 84 of the last Annual Report of the Railway Board, he will find a comparison of passengers killed and injured in train accidents for the last six years, and this suggests that the accident rate both for killed and injured was lower than it had been for some years. One factor, of course, which contributes to accidents is the number of passengers travelling.

**Maulvi Muhammad Abdul Ghani** I have quoted the figures from the reports.

**The Honourable Sir Andrew Clow** Yes, and I would ask him to turn over the page and to the table in the report itself which gives the figures, because the figures he cited from the report compared only this and the year preceding.

**Maulvi Muhammad Abdul Ghani** I have given the figures of the year 1937-38 also.

**The Honourable Sir Andrew Clow** There is also a reference on page 82 of the report to the leading accidents of the year. One of these has already received some attention in the House, and that was a very regrettable accident owing to the malicious removal of a rail on the Eastern Bengal Railway. Another was a very curious accident because that was due to a cyclone which just happened to hit the spot in a very limited area where the train was passing. I am afraid that there is always a danger as you work at a greater strain and your permanent way gets a bit older, that accidents may increase, but I do not think that the figures before us give any room for believing that we have yet reached that stage. At the same time, when men are worked, as they

are at present, under considerable strain, no one is infallible and I am afraid errors must arise from time to time. We all regret them, but I think I can claim that the Indian Railways carry passengers with a very high degree of safety indeed, and I am quite sure that every railway passenger is a great deal safer than the rich man in his private car.

**Qazi Muhammad Ahmad Kazmi** Have you any comparative tables for foreign countries?

**The Honourable Sir Andrew Olow** Yes, you can certainly study those, and I would not be in the least afraid of the comparison.

**Mr President** (The Honourable Sir Abdur Rahim) Does the Honourable Member want the question to be put?

**Maulvi Muhammad Abdul Ghani** Yes, Sir.

**Mr President** (The Honourable Sir Abdur Rahim) The question is

'That the demand under the head "Railway Board" be reduced by Rs. 100.'

The motion was negatived.

**Mr President** (The Honourable Sir Abdur Rahim) Has the Muslim League Party any more motions to move?

**Some Honourable Members** No more.

**Mr President** (The Honourable Sir Abdur Rahim) Then we must go back again to the list in the order noted there. Does any Member wish to move any of his motions?

(No Honourable Member got up to move.)

I take it that no Member who is present here wishes to move any of his motions.

**The Honourable Sir Andrew Olow** I have already moved the first one.

**Mr President** (The Honourable Sir Abdur Rahim) The first one has been moved. The question is

"That a sum not exceeding Rs. 11,96,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943 in respect of 'Railway Board'."

The motion was adopted.

#### DEMAND No. 2—AUDIT.

**The Honourable Sir Andrew Olow** Sir, I move

"That a sum not exceeding Rs. 14,31,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Audit'."

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 14,31,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Audit' "

The motion was adopted

#### DEMAND No 3—MISCELLANEOUS EXPENDITURE

**The Honourable Sir Andrew Clow** Sir, I move

"That a sum not exceeding Rs 11,75,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943, in respect of 'Miscellaneous Expenditure' "

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 11,75 000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943 in respect of 'Miscellaneous Expenditure' "

The motion was adopted

#### DEMAND No 5—PAYMENTS TO INDIAN STATES AND COMPANIES

**The Honourable Sir Andrew Clow** Sir, I move

"That a sum not exceeding Rs 3,27,50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943, in respect of 'Payments to Indian States and companies' "

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 3 27 50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Payments to Indian States and companies' "

The motion was adopted

#### DEMAND No 6 A—WORKING EXPENSES—MAINTENANCE OF STRUCTURAL WORKS.

**The Honourable Sir Andrew Clow** Sir, I move

"That a sum not exceeding Rs 8,80 33,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Working Expenses—Maintenance of Structural Works' "

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 8,80 33,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943 in respect of 'Working Expenses—Maintenance of Structural Works' "

The motion was adopted

DEMAND No 6 B—WORKING EXPENSES—MAINTENANCE AND SUPPLY OF  
LOCOMOTIVE POWER**The Honourable Sir Andrew GLOW** Sir I move

That a sum not exceeding Rs 20 48 46 000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943 in respect of Working Expenses—Maintenance and Supply of Locomotive Power

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That a sum not exceeding Rs 20 48 46 000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943 in respect of Working Expenses—Maintenance and Supply of Locomotive Power

The motion was adopted

DEMAND No 6 C WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND  
WAGON STOCK**The Honourable Sir Andrew GLOW** Sir I move

That a sum not exceeding Rs 6 27 28 000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943 in respect of Working Expenses—Maintenance of Carriage and Wagon Stock

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That a sum not exceeding Rs 6 27 28 000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943 in respect of Working Expenses—Maintenance of Carriage and Wagon Stock

The motion was adopted

DEMAND No 6 D—WORKING EXPENSES—MAINTENANCE AND WORKING  
OF FERRY STEAMERS AND HARBOURS**The Honourable Sir Andrew GLOW** Sir I move

That a sum not exceeding Rs 32 33 000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943 in respect of Working Expenses—Maintenance and Working of Ferry Steamers and Harbours

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That a sum not exceeding Rs 32 33 000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943 in respect of Working Expenses—Maintenance and Working of Ferry Steamers and Harbours

The motion was adopted

## DEMAND No 6 E—WORKING EXPENSES—EXPENSES OF TRAFFIC DEPARTMENT

**The Honourable Sir Andrew GLOW** Sir I move

That a sum not exceeding Rs 11 09 43 000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943 in respect of Working Expenses—Expenses of Traffic Department

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That a sum not exceeding Rs 11,09,43,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Working Expenses—Expenses of Traffic Department' "

The motion was adopted

DEMAND No 6 F —WORKING EXPENSES—EXPENSES OF GENERAL DEPARTMENTS

**The Honourable Sir Andrew Clow** Sir, I move

'That a sum not exceeding Rs 4,24,88,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943 in respect of Working Expenses—Expenses of General Departments'

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That a sum not exceeding Rs 4,24,88,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943 in respect of Working Expenses—Expenses of General Departments' "

The motion was adopted

DEMAND No 6 G —WORKING EXPENSES—MISCELLANEOUS EXPENSES

**The Honourable Sir Andrew Clow** Sir, I beg to move

'That a sum not exceeding Rs 4,83,62,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943, in respect of 'Working Expenses—Miscellaneous Expenses' "

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

'That a sum not exceeding Rs 4,83,62,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943, in respect of Working Expenses—Miscellaneous Expenses' "

The question is

**Mr Jamnadas M. Mehta** Sir, I have got a cut motion under this head

**Mr President** (The Honourable Sir Abdur Rahim) All those motions were called and no Honourable Member got up

**Mr Jamnadas M. Mehta** Before this demand is made, I cannot be called

**Mr President** (The Honourable Sir Abdur Rahim) I thought no Member wanted to move any other cut motions What is the number of his motion?

**Mr. Jamnadas M. Mehta** No 67



**Mr. President** (The Honourable Sir Abdur Rahim) It is the practice to give notice to the Government of the motion that is to be moved. Otherwise, it is not expected that the Government will be prepared to meet all the motions of which notice has been given.

**Mr. Jamnadas M. Mehta.** We all were under the impression that the cuts were so divided in watertight compartments that we would not have the time.

**Mr. President** (The Honourable Sir Abdur Rahim) That is the practice. If the Honourable Member does not know, it is his fault.

**Mr. Jamnadas M. Mehta.** It is my fault, but now that I have got an opportunity, I want to move my cut motion. That agreement is based on the fact that time is not available, but if time is available, that agreement does not hold good.

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member has given notice of other motions also.

**Mr. Jamnadas M. Mehta.** Yes.

**Mr. President** (The Honourable Sir Abdur Rahim) All right. Let the Honourable Member move his cut motion.

*Growing Drain in respect of Ecclesiastical Expenditure on Railway Revenues*

**Mr. Jamnadas M. Mehta.** I move

'That the demand under the head "Working Expenses—Miscellaneous Expenses" be reduced by Rs 100."

I did not know that the expenditure on ecclesiastical was such a serious drain on railway revenue. But I found to my horror that in the accompanying to the budget it is stated that the ecclesiastical expenditure has grown by five lakhs. I was surprised as to what was the nature of that expenditure, why was it a charge on railway revenue. When was the House required to give its sanction to an expenditure which has nothing to do with the working of a commercial organisation, and what is the total expenditure on this ecclesiastical? The country is entitled to know how much of the railway revenue is being diverted for 'ecclesiastical'. It may be perhaps that under the Government of India Act ecclesiastical expenditure is not voted, but I want to know whether this is within that mischief, or whether it is a regular charge which this House is bound to vote. Failing that, I also raise a point of order whether ecclesiastical expenditure can be a charge on railway revenue. In any case, I wish to invite the serious attention of the House to the fact that nothing of a denominational character should be made a burden on people of other religions. I have every sympathy and fellow feeling with my Christian fellow citizens, but I am sure they will be the first to agree that we cannot here patronise any particular religion at the expense of another. Otherwise, we might be called upon to pay to other religions also, in which case the enormity of this item of expenditure will be obvious.

**Mr President** (The Honourable Sir Abdur Rahim) Out motion moved

That the demand under the head Working Expenses—Miscellaneous Expenses be reduced by Rs 100

**The Honourable Sir Andrew Clow** I was ignorant that this subject was going to be brought up, and so I have not tortured myself with the exact figure, but I am told that it is of the order of about six lakhs. It has increased substantially, I think, within the last two or three years, and I can explain the reason for that. I think it was the Public Accounts Committee that called attention to the matter. At any rate it engaged the attention of the Auditor General who called attention to the question of the allocation of ecclesiastical expenditure. There is an ecclesiastical establishment maintained and referred to in the Government of India Act and he felt that the allocation of this sum among the departments which mainly benefited from it did not correspond with the facts. A small Departmental Committee was appointed over which I myself presided. I should explain I had nothing to do with the railways in those days. Our duty was not to deal with the actual justification for the expenditure which obviously was a question settled otherwise, but to deal with its allocation among the departments concerned. And as far as I recollect, we found that the railways were not paying their due share. Consequently, the share of the railways was put up and I found this looming on me when I came over to the Railway Department. But actually I do not think I would really be in order in dwelling on the question of ecclesiastical expenditure because it is a joint expenditure and comes up separately in the General Budget, but this is in allocation from the railways proportionate to their share of the persons who benefit. I will go a little outside my brief and mention that there are arrangements by which the ecclesiastical expenditure is reduced at regular intervals, I think intervals of five years. It is partly a survival of expenditure of an earlier age.

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That the demand under the head 'Working Expenses—Miscellaneous Expenses be reduced by Rs 100"

The motion was negatived

**Maulvi Muhammad Abdul Ghani** I oppose the whole demand. On one side there is so much generosity and so much latitude as to provide money to look after the faiths of a particular class of Railway employees. On the other hand, I find that at Jamalpur the Muslim employees are not allowed even to offer their annual prayer, called *Id* prayer. They have to work on that day also. See the difference in treatment between one class of employee and another working on the same railway. Not only that, but on Friday, no time is allowed to offer their Juma prayer—a weekly congregation although they ask for a short leave for Juma prayers, they are not granted, and the East Indian Railway has been turning a deaf ear to the grievances of the Muslim employees at Jamalpur (E I R) workshop. As this is the proper opportunity for me to urge the grievances of the Muslim employees there, so that their legitimate grievances about the annual prayer and also about the grant to the Muslim

employees of an hour and a half leave for Juma prayer be heard and I have done so, and I hope that they will be heeded to I oppose the motion

**The Honourable Sir Andrew Clow** I have listened to the Honourable Member We try to meet the desires of employees in every reasonable way we can but I think I should explain to him that the actual Ecclesiastical Grant which Mr Jamnadas Mehta has referred to is non-voted So that the voting or the non-voting motion before us will not affect it in any way I am not at all sure that I was strictly in order in speaking on the subject

**Mr. President** (The Honourable Sir Abdur Rahim) The Question is

'That a sum not exceeding Rs 4,63,62,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Working Expenses—Miscellaneous Expenses'

The motion was adopted

**DEMAND NO 6-H —WORKING EXPENSES—EXPENSES OF ELECTRICAL DEPARTMENT**

**The Honourable Sir Andrew Clow** Sir, I move

'That a sum not exceeding Rs 3,64,71,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of Working Expenses—Expenses of Electrical Department'

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

'That a sum not exceeding Rs 3,64,71,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of Working Expenses—Expenses of Electrical Department'

**Mr Jamnadas M Mehta** Sir, years ago we had an electric power station erected at Kalyan in spite of the advice of the elected section of the House This was intended to extend the electrical line between Kalyan and Igatpuri on the one hand and Kalyan and Poona on the other The cost of that was something like 98 lakhs of rupees, to be exact 97 lakhs in all and, at that time, the Tatas who had so many hydro-electric schemes, offered to supply to the Great Indian Peninsula Railway electrical power cheaper so that it was unnecessary to put up this plant at Kalyan I think its name is Chola Power station The Tatas said that 'We have enough supply We can increase it if you give us only a loan of a crore and a half We have a plant and other assets worth seven crores of rupees by way of security and why put the State to the expenditure of another power plant at Kalyan for the sole purpose of giving you electrical supply when our supply lines were running all along from the Ghats to Bombay' Secret session of the Railway Standing Finance Committee was held Even the European Members opposed it The late Sir Darcy Lindsay opposed this Still this Kalyan Power Station, whose name is Chola, was put up A stand-by was erected in order that, if the main plant fails, power could come from the stand-by and how was it to be erected? From coal to be brought from Jharia and from the Central Provinces and from anywhere else, because there is no

[Mr Jamnadas M Mehta]

coal at Kalyan and all the wagons that came loaded with coal, which can be turned into electrical power, went empty, and, ultimately, years after this plant was erected, I find now that the Chola Power Station has been abandoned and that electrical supply is being obtained from Tatas and capital charges and the interest charges have come to naught and that the original scheme was entirely unconceived. I should like to be enlightened and if I am wrong I shall accept your statement and stand corrected but those are the facts which I know from my own knowledge. I now read that the Chola Power Station is about to be abandoned or has already been abandoned. I want to know what is the total cost of construction. I want to know how many thousands of wagons went empty. What was the total cost of these empty wagons being taken back to Jharna or the Central Provinces or wherever the coal came from. What were the interest charges paid for the construction of this power station and where do we stand now. I want to know the total loss and I want to know who was responsible for it. Sir, I oppose the demand.

**Mr J H F Raper:** I am very sorry it is impossible to carry in one's head all the figures that Mr Jamnadas Mehta has asked for. The history of the Chola Power House goes back some years. I think it began somewhere in the region of 1925 and at about that time I understand there was some difficulty about the Kundli dam and fear that Tatas might not be able to supply sufficient power for the Railways. Apart from that, the justification for the power house was a financial justification. The power house has been working up till February, 1940. In February, 1940, it was used as a standby and we took all power for the Railways from Tatas at a satisfactorily low rate and the saving to the Great Indian Peninsula Railway and the Bombay, Baroda and Central India Railway has been very substantial. Now, at the present time, the power house is again in use. It is supplying power for the combined Railways and industrial load carried by Tatas. There has been inadequate rainfall, I understand, in the Ghats during the last monsoon and, therefore, it was necessary to bring this power house into use to conserve the Hydro Electric Water Supply and although I do not know the exact details I understand that it is in full use. It uses coal which is obtained from the Central Provinces and not from Jharna. Those are the facts in brief as far as I am able to tell them at the present time without reference to records. The figures I cannot give but the power house is actually in use.

**Mr Jamnadas M. Mehta:** It was put out of use.

**Mr J H F Raper:** Just for a short while but it formed a very necessary standby to supply power for the Great Indian Peninsula Railway and the Bombay, Baroda and Central India Railway and also, under the agreement to assist in supplies to the city of Bombay. It is a most valuable standby, which has now come into its own and it is being used fully.

**Mr President** (The Honourable Sir Abdur Rahim) The Question is

"That a sum not exceeding Rs 3,64,71,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of Working Expenses—of Electrical Department."

The motion was adopted

### DEMAND No 7 —WORKING EXPENSES—APPROPRIATION TO DEPRECIATION FUND

**The Honourable Sir Andrew Clow:** Sir, I move

"That a sum not exceeding Rs 12,63,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment, during the year ending the 31st day of March, 1943, in respect of Working Expenses—Appropriation to Depreciation Fund"

**Mr. President** (The Honourable Sir Abdur Rahim) Motion moved

"That a sum not exceeding Rs 12,63,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment, during the year ending the 31st day of March, 1943, in respect of Working Expenses—Appropriation to Depreciation Fund"

#### *Various Wrong Debits to Revenue in the name of Depreciation*

**Mr Jamnadas M Mehta.** Sir, I move

"That the demand under the head Working Expenses—Appropriation to Depreciation Fund be reduced by Rs 100"

Sir, it has been my perennial complaint that the Depreciation Fund is a great drain on the railway revenues. I am one of those who would provide full depreciation for our plant, etc. I believe that a depreciation is a very necessary part, an essential part, of any commercial or industrial undertaking and it would be unsound in principle to have no depreciation fund for an asset like the railways. I, therefore, do not object to depreciation as such. In fact, I would be sorry if the Depreciation Fund was not in existence. But it is one thing to have a Depreciation Fund and it is quite another thing to have a Depreciation Fund without regard to the necessities of the case. My perennial complaint is that the amount allocated to our Depreciation Fund is far in excess of the requirements. The proof of it is provided by the fact that by now the surplus in our Depreciation Fund is somewhere in the neighbourhood of Rs 80 crores, after replacing for 18 years all assets that were wasted.

The rules of the Depreciation Fund are that when an asset is to be renewed, you should pay the renewal cost from the depreciation. But if an asset is wasted and you replace it by a new and a better asset, then the original cost should be met out of the Depreciation Fund and the additional cost should be met out of capital. The Depreciation Fund has swollen to 80 crores of rupees after providing for perhaps an equal amount for the renewal of wasted assets. Thus in the course of 18 years, you have taken out of the railway revenues something like 200 crores of rupees in the name of depreciation of which a little over 100 crores has been spent and 80 crores are available in balance. I want to know why should that amount be so large? Why is it that you cannot do with a smaller amount for depreciation? The Depreciation Fund is, after all, like an Insurance Fund. In insurance the premia are fixed on a life so that in the course of a certain period the premia accumulating at compound interest are equivalent to the amount of the Policy. Here also you have a number of years that a particular asset will be in existence and in working order. In that case you should provide an amount equivalent each year

[Mr Jamnadas M Mehta]

to the 1/30th or 1/40th or 1/60th or 1/200th as the case may be. Accumulating at compound interest, the premium will be little yet at the end of it the necessary amount will be available at the end of a certain number of years. But here that is not the case. We often find that the life of a particular asset has been larger than the amount period in providing for the Depreciation Fund. What is the meaning of that? When you say that the life of a particular asset is found to be larger than the assumed amount, then it is clear that that asset is working and is still earning, and yet year after year you have provided as if it was to go out of the working order at the end of a particular period. This can only be a drain on railway revenues.

My second complaint is that without any authority from this House they have changed the rule about the charges on the Depreciation Fund. The rule was that all charges for renewals were to be met out of depreciation. What do we find now? On somebody's report, small renewals and replacements whatever the additional cost, should be charged to revenue and that capital should escape the additional cost.

The test of a sound and scientific Depreciation Fund is the operational expenses of the year and not merely the amount of the assets and their assumed life, our railway assets are not merely 800 crores. One crore of rupees is paid every year by amortization as the Acworth Committee points out. I know that there are several railway sinking funds under which the capital is being repaid. For instance, some of the annuities are being reduced. I won't go into the question of the concealed capital of the railways. The railway assets are really far more than the amount of the capital at charge. The theory of overcapitalisation is simply calculated to mislead, and merely to show that the railway undertaking is earning better than it really may be, because today the returns are counted on the capital at charge. But the railway assets are not 700 crores. I say the railway assets are nearly Rs 1,200 crores and we want to count the return of 1,200 crores. For these reasons I think the Depreciation Fund tends to be an unnecessarily heavy charge on the revenues. It tends to keep rates and fares high, it keeps the railway trains overcrowded, it does not give better amenities to the passengers, scientifically this charge is unduly heavy and is against the rules laid down in the Convention itself. Sir, I move.

**Mr President** (The Honourable Sir Abdur Rahim) Cut motion moved.

"That the demand under the head 'Working Expenses—Appropriation to Depreciation Fund' be reduced by Rs 100."

**Mr T. S. Sankara Aiyar** (Government of India Nominated Official) Sir, my Honourable friend, Mr Jamnadas Mehta, has raised rather a vast question at the fag-end of this railway debate. We are aware that there exists in certain quarters, to which our friend belongs, a wrong impression that both the rate of contribution to the Depreciation Fund and the balance in that fund are kept at a high level. I will try my best in the very short time at my disposal to dispose of this wrong impression. There are three principal considerations which will show that the rate of contribution is not high. First, when we started the fund on the 1st April, 1924, we had not made any provision for the arrear depreciation which must have accrued on all the assets then in existence. I made a

recent investigation in the office, and it revealed a most interesting and illuminating fact. In the 17 years from 1924-25 .

**Mr President** (The Honourable Sir Abdur Rahim) It is now 5 O' Clock 5 P M and all the motions have now to be disposed of. The cut motion will not be put to the House as the matter has not been sufficiently debated.

The question is

'That a sum not exceeding Rs 12,63,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Working Expenses—Appropriation to Depreciation fund'."

The motion was adopted.

#### DEMAND No 8 —INTEREST CHARGES

**Mr President** (The Honourable Sir Abdur Rahim) The Question is

"That a sum not exceeding Rs 1,54,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Interest Charges'."

The motion was adopted.

#### DEMAND No 9-A —REPAYMENT TO DEPRECIATION RESERVE FUND

**Mr. President** (The Honourable Sir Abdur Rahim) The Question is

"That a sum not exceeding Rs 7,81,89,000 be granted to the Governor General in Council to defray the charges which will come in course of payment, during the year ending the 31st day of March, 1943 in respect of 'Repayment to Depreciation Reserve Fund'."

The motion was adopted.

#### DEMAND No 11 —NEW CONSTRUCTION.

**Mr. President** (The Honourable Sir Abdur Rahim) The Question is

"That a sum not exceeding Rs 5,000, be granted to the Governor General in Council to defray the charges which will come in course of payment, during the year ending the 31st day of March, 1943, in respect of 'New construction'."

The motion was adopted.

#### DEMAND No 12 —OPEN LINE WORKS

**Mr. President** (The Honourable Sir Abdur Rahim) The Question is

"That a sum not exceeding Rs 30,49,80,000, be granted to the Governor General in Council to defray the charges which will come in course of payment, during the year ending the 31st day of March, 1943, in respect of 'Open Line Works'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Friday, the 27th February, 1942





## LEGISLATIVE ASSEMBLY

Friday, 27th February, 1912

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

### MEMBER SWORN

Mr Noel Victor Housman Symons, C I E , M C , M L A (Government of India Nominated Official)

### STARRED QUESTION AND ANSWER

#### (a) ORAL ANSWER

APPLICATION OF REVISED STATE RAILWAY LEAVE RULES ON NORTH WESTERN RAILWAY.

108 \*Mr Lalchand Navalrai\* (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that the Railway Board issued orders to the Agents of State-managed Railways in April 1928, that since the Revised Leave Rules were under contemplation, employees appointed on or after 1st September, 1928 should be asked to sign a declaration that they agree to be governed by the Revised State Railway Leave Rules? If so, will the Honourable Member please lay a copy of this order on the table of the House?

(b) Is it a fact that the North Western Railway administration started taking declarations from its staff on 22nd August, 1927, and after? If so, why? Will the Honourable Member please lay on the table of the House a copy of the Railway Board's orders approving of this deviation from the general orders referred to in part (a) above?

(c) Do Government propose to observe uniformity of application of rules on the Indian State-managed Railways and apply the Revised State Railway Leave Rules on the North Western Railway with effect from 1st September, 1928? If not, why not?

**The Honourable Sir Andrew Clow** (a) Yes, but in September 1928, and not in April. These orders were addressed to the East Indian Railway, a copy being endorsed to the other State-managed railways. In the endorsement to the North Western Railway, it was stated that it was understood that the practice was already being followed by that administration. I do not propose to lay the orders on the table.

(b) The answer to the first part of the question is in the affirmative. On the North Western Railway, orders on the subject had been issued in July, 1927 after an informal discussion with the Railway Board. These orders did not involve any deviation from the intentions or the express orders of the Board.

(c) I would refer the Honourable Member to the answer given by Honourable Sir Muhammad Zafulla Khan to part (f) of the Honourable Member's own question in the House No 1045 asked on 9th March, 1936

**Mr. Lalchand Navalrai** May I know from the Honourable Member that the original intention was that these leave rules will apply from September, 1928, and not from August, 1927, and is it a fact that these orders of the Railway Board were cancelled or that instructions were given to the General Manager to change them?

**The Honourable Sir Andrew Clow** The Honourable Member seems to be virtually repeating the question that he put. In the original intention, I do not think any date was fixed. The system was introduced on the North Western Railway and it was extended to other Railways with effect from a certain date but that affords no ground whatever for altering the date on which the practice was introduced on the North Western Railway.

**Mr. Lalchand Navalrai** If the intention was that these rules will apply from September, 1928 then may I know from the Honourable Member why he is not placing the orders on the table?

**The Honourable Sir Andrew Clow** Because the Honourable Member has given the substance of the orders quite clearly in his own question. There is nothing substantial in the order that he has not given.

**Mr. Lalchand Navalrai** As the order is being interpreted in a different manner at least by me, I am asking that the order itself should be placed on the table.

**The Honourable Sir Andrew Clow.** No, Sir. I have explained that the order was addressed to the East Indian Railway, and a copy of that was endorsed to the other State managed Railways. In the endorsement to the North Western Railway, it was stated that it was understood that the practice was already being followed by that administration. If the Honourable Member or any other Member wishes to see the order, it can be inspected in the Railway Board's Office.

#### UNSTARRED QUESTION AND ANSWER

##### EMERGENCY RECRUITMENT TO COSSIPORE AND ISHAPUR FACTORIES.

**26 Mr. Amarendra Nath Chattopadhyaya.** (a) Will the Honourable the Supply Member please state whether it is not a fact that the Cossipore Gun Factory and Ishapur Rifle and Metal Factory are situated in Bengal?

(b) Is it not a fact that during the emergency of the present war, many persons are being appointed there? If so, on what basis were those recruitments made?

(c) Is it not a fact that many non-Matriculates were taken in preference to Matriculate candidates?

(d) If the reply to part (c) be in the affirmative, will Government be pleased to state the reason therefor?

(e) If the reply to part (c) be in the negative, will Government be pleased to state the following

- (i) the number of vacancies advertised in the years 1939-40-41 in each Factory,
- (ii) the number of candidates who applied,
- (iii) the names and qualifications of the candidates who applied,
- (iv) whether any police enquiry was made about the candidates, and
- (v) the number of candidates taken and their names and qualifications?

**The Honourable Sir Homi Modi** (a) The Gun and Shell Factory, Cossipore, the Rifle Factory, Ishpuri, and the Metal and Steel Factory, Ishapur, are situated in Bengal

(b) Yes. Appointments are made with due regard to the suitability of the candidates for the various types of posts to be filled

(c) In filling posts for which matriculation is regarded as a necessary qualification preference is given to matriculates

(d) Does not arise

(e) (i), (ii) and (iii) The Honourable Member may not be aware of the system of recruitment to the establishment of Ordnance Factories. On the assumption that the question refers to definite posts requiring specific qualifications and not to unskilled labour, vacancies for both technical and non-technical personnel are filled in the first place from waiting lists of applicants and, failing this, by advertisement in the case of non-technical personnel and the use of the National Service (European) British Subjects Act, 1940, and the National Service (Technical Personnel) Ordinance, 1940, in the case of technical personnel. There is no distinction in this respect between gazetted and non-gazetted posts.

Information is not available about the number of vacancies advertised during 1939-40-41, the number of applicants, or their names and qualifications.

- (iv) Police enquiries were made, as is done in respect of all persons appointed to temporary posts in Ordnance Factories.
- (v) The preparation of a list of names and qualifications of applicants employed would occupy time and labour out of all proportion to the value of the information.

## STATEMENTS LAID ON THE TABLE

*Information promised in reply to part (b) of starred question No 391 asked by Bhai Parma Nand on the 17th March, 1941*

## UNEQUAL DISTRIBUTION OF WORK AMONG THE PIECE-WORKERS IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI

*Statement showing names and earnings of Machinemen and Inkers of the Government of India Press, New Delhi, from January 1939 to December 1939*

Name	January			February			March			April			May			June			July			August			September			October			November			December					
	Rs	A	P	Rs	A	P	Rs	A	P	Rs	A	P	Rs	A	P	Rs	A	P	Rs	A	P	Rs	A	P	Rs	A	P	Rs	A	P	Rs	A	P						
MACHINEMEN																																							
1 Akbar	76	9	0	68	15	0	79	13	0	66	2	0	65	12	0	59	1	0	61	1	0	69	8	0	33	11	0							9	1	0	70	0	0
2 Abdul Hamid	.	.	.	72	7	0	80	5	0	71	6	0	32	3	0																								
3 Din Mohd.	.	.	.	58	8	0	62	1	0	60	0	0	50	10	0	39	0	0	39	7	0	49	7	0	60	13	0	57	14	0	55	9	0	57	6	0	60	12	0
4 Nawab Khan	.	.	.	56	11	0	64	7	0	85	0	0	61	2	0	26	1	0	46	11	0	46	14	0	50	0	50	10	0	50	5	0	54	12	0	61	1	0	
5 Fazal Mohd Khan				63	10	0	55	8	0	69	15	0	49	8	0	38	3	0	37	9	0	43	11	0	53	5	0	36	9	0	54	5	0	37	0	58	10	0	
6 Ghulam Hussain				54	7	0	47	6	0	49	8	0	37	10	0	47	6	0	42	2	0	43	7	0	49	1	0	44	13	0	15	7	0	20	11	0	41	6	0
7 Ahmed Hussain				49	15	0	70	9	0	62	2	0	58	13	0	45	14	0	38	15	0	44	3	0	56	13	0	52	6	0	52	15	0	45	14	0	53	13	0
8 Abdul Majid				55	5	0	68	13	0	60	6	0	54	14	0	9	9	0	13	3	0	36	4	0	47	13	0	51	7	0	45	11	0	45	3	0	43	14	0
9 Dharan Singh				62	15	0	68	14	0	88	8	0	57	5	0	57	15	0	44	12	0	54	7	0	60	2	0	62	11	0	58	5	0	34	15	0	45	8	0
10 Masta Farzad				54	0	60	4	0	62	2	0	65	13	0	46	1	0	42	11	0																			
11 Achha Khan				63	10	0	65	1	0	43	12	0				68	9	0	56	0	0	57	6	0	59	6	0	60	1	0	57	1	0	55	10	0	55	5	0
12 Anisad Ali				68	15	0	54	4	0	71	10	0	61	2	0	50	6	0	52	0	0	51	7	0	63	10	0	50	8	0	46	0	0	50	14	0	53	8	0

13 Asghar Ali	43	3	0	48	4	0	44	2	0	33	10	0	38	8	0	38	13	0	38	1	0	36	12	0	42	11	0	35	5	0	45	15	0				
14 M Adam	38	0	0	34	15	0	42	13	0	27	6	0	36	11	0	31	2	0	31	3	0	42	13	0	34	14	0	35	3	0	26	7	0				
15 Bipar Bani	40	5	0	76	5	0	68	11	0	41	3	0	53	14	0	46	4	0	42	11	0	48	4	0	46	11	0	50	15	0	24	3	0				
16 Wazwan Singh (Officiating)							31	11	0				40	0	0	29	3	0	27	6	0	38	10	0	41	15	0	22	2	0	1	15	0				
17 Abdul Sattar (Officiating)																											42	9	0	41	12	0					
18 Sri Krishan (Officiating)																											43	13	0	42	11	0					
INDEX																																					
1 Ramchandra	35	7	0	37	7	0	43	13	0	38	7	0	35	12	0	99	4	0	22	8	0	36	0	0	33	1	0	27	1	0	28	7	0				
2 Marquis	42	4	0	44	13	0	45	4	0	32	6	0	28	8	0	33	6	0	26	14	0	32	10	0	34	8	0	33	2	0	33	6	0				
3 Mantha	18	7	0	24	7	0	33	13	0	25	4	0	30	13	0	29	15	0	26	15	0	34	3	0	18	7	0	27	8	0	22	8	0				
4 Tarika	85	11	0	46	1	0	49	7	0	39	15	0	32	8	0	27	15	0	30	13	0	37	15	0	35	1	0	34	6	0	36	1	0				
5 Abdul Ghaffar	42	7	0	44	12	0	42	6	0	35	11	0	29	10	0	31	7	0	18	7	0	39	6	0	32	12	0	30	0	0	25	1	0				
6 Wazwan Singh	9	0	0	31	13	0	10	8	0				41	15	0																						
7 Abdul Sattar	45	6	0	50	15	0	54	10	0	41	2	0	26	0	0	34	15	0	31	13	0	45	10	0	40	10	0										
8 Srinivada	34	6	0	38	21	0	22	7	0	23	9	0	32	0	0	22	8	0	31	1	0	39	4	0	33	15	0	33	5	0	37	3	0				
9 Sri Krishan	35	4	0	40	1	0	66	1	0	41	2	0	30	5	0	36	12	0	48	0	0	43	5	0	51	8	0										
10 Tek Chand	45	9	0	38	7	0	48	5	0	39	1	0	39	10	0	32	0	0	30	8	0	31	13	0	30	8	0	23	3	0	26	9	0				
11 Mural Khan	41	5	0	51	2	0	53	13	0	38	13	0	21	5	0	33	13	0	35	11	0	35	14	0	34	8	0	33	5	0	35	6	0				
12 Abdul Hakim	36	11	0	38	9	0	30	5	0	30	14	0	34	8	0	23	6	0	32	15	0	35	8	0	33	11	0	37	0	0	27	0	25				
13 Pootan	38	13	0	38	11	0	32	0	0	37	7	0	26	13	0	28	8	0	21	2	0	31	14	0	37	6	0	30	6	0	23	9	0				
14 Bhopal Singh	43	15	0	42	7	0	55	13	0	40	8	0	35	1	0	27	6	0	34	11	0	35	2	0	37	10	0	32	11	0	34	3	0				
15 Md Bala	37	0	0	32	10	0	33	10	0	34	3	0	32	11	0	30	7	0	32	3	0	38	8	0	33	10	0	30	11	0	33	5	0				
16 Aris Khan (Officiating)													21	5	0	39	2	0	37	1	0	32	14	0	44	3	0	38	5	0	36	1	0				
17 Mathan Pd (Officiating)																											11	4	0	38	2	0					
18 Bhola Nath (Officiating)																											10	2	0	34	3	0					

*Statement showing names and services of Machinemen and Inkens of the Government of India Press, New Delhi, from January 1940 to December 1940*

Name	January	February	March	April	May	June	July	August	September	October	November	December																												
	Rs	A	P	Rs	A	P	Rs	A	P	Rs	A	P	Rs	A	P	Rs	A	P	Rs	A	P	Rs	A	P																
MACHINEMEN																																								
1 Akbar	67	13	0	71	7	0	73	10	0	84	0	0	78	5	0	76	3	0	82	6	0	80	12	0	67	5	0	71	8	0	104	12	0	99	6	0				
2. Din Mohd	41	7	0	68	5	0	73	6	0	58	14	0	37	2	0				52	10	0	47	8	0	50	1	0	74	15	0	90	12	0	81	6	0				
3. Nawab Khan	63	9	0	75	6	0	68	9	0	65	1	0	64	2	0	53	12	0	50	4	0	57	13	0	59	13	0	60	2	0	73	14	0	57	10	0				
4. Fazal Md Khan	54	13	0	38	0	0	68	12	0				18	13	0	54	6	0	40	13	0	54	12	0	50	2	0	43	3	0	59	6	0	79	15	0				
5. Ghulam Hussain	36	14	0	53	15	0	54	10	0	37	10	0	68	13	0	47	0	49	7	0	38	10	0	38	13	0	48	12	0	66	5	0	46	7	0					
6. Ahmed Hussain	56	18	0	69	0	0	64	5	0	70	12	0	53	8	0	63	3	0	60	10	0	55	13	0	53	13	0	60	5	0	67	3	0	83	11	0				
7. Abdul Majid II	41	5	0	2	8	0	Transferred to Private Secretary to His Excellency the Viceroy's Press from 26th January 1940																																	
8. Dharan Singh	60	13	0	56	0	0	46	11	0	68	4	0	62	4	0	57	13	0	38	4	0	66	2	0	45	3	0	70	10	0	86	5	0	68	9	0				
9. Mata Parshad	53	14	0	65	11	0	61	9	0	63	7	0	51	8	0	29	3	0	56	9	0	49	8	0	37	5	0	61	12	0	83	6	0	77	1	0				
10. Amjad Ali	41	10	0	64	4	0	68	2	0	62	12	0	65	11	0	56	3	0	59	12	0	64	5	0	43	14	0	74	3	0	77	1	0	84	7	0				
11. Achha Khan	58	2	0	78	14	0	74	8	0	67	10	0	53	12	0	55	5	0	58	4	0	51	14	0	60	0	53	5	0	89	2	0	77	2	0					
12. Ashraf Ali	41	7	0	56	10	0	44	15	0	58	2	0	52	8	0	49	11	0	47	9	0	45	8	0	45	0	73	1	0	71	13	0	71	1	0					
13. Wasim Singh	40	6	0	46	14	0	43	13	0	40	15	0	55	0	0	54	14	0	52	7	0	46	14	0	53	3	0	88	12	0	55	7	0	64	7	0				
14. Abdul Sattar	36	0	0	12	14	0	47	10	0	52	12	0	44	4	0	36	0	0	38	11	0	33	3	0	34	3	0	30	2	0	41	11	0	44	1	0				



*Information promised in reply to parts (a) and (b) of unstarred question No 4 asked by Maulvi Syed Murtuza Sahib Bahadur on the 11th February, 1942*

#### SUBJECTING CERTAIN EXEMPTED STAFF TO FURTHER EXAMINATION ON EAST INDIAN RAILWAY

In the reply to question No 22 quoted in part (i) of the question, I regret that there was an error. Those who had passed the goods examination of the old Oudh and Rohilkund Railway Training School at Chandausi were exempted only from passing the Goods Accounts Examination (lower).

(a) It is a fact that staff although exempted from passing the Goods Accounts Examination (lower) under paragraph 715 of the East Indian Railway Gazette No 23 dated the 5th June, (not July) 1929, are required, subject to certain conditions, to pass a further examination *viz*, Goods Accounts Examination (higher) to qualify for promotion to senior subordinate commercial posts.

(b) Certain staff are required, before promotion to upper subordinate posts, to pass the Goods Accounts Examination (higher) in accordance with the order published in 1938, and republished in 1941, because the standard of this examination is totally different from that of the more elementary one which they passed at the time of their appointment.

#### THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION (AMENDMENT) BILL.

##### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

**Qazi Muhammad Ahmad Kazmi** (Meerut Division, Muhammadan Rural). Sir, I present the Report of the Select Committee on the Bill to amend the Muslim Personal Law (Shariat) Application Act, 1937.

#### THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

*(Amendment of section 4)*

##### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

**Mr Lalchand Navalrai** (Sind Non-Muhammadan Rural). Sir, I present the Report of the Select Committee on the Bill further to amend the Code of Criminal Procedure, 1898.

#### NOTIFICATION RE COORG MOTOR VEHICLES RULES

**The Honourable Sir Andrew Clow** (Member for Railways and Communications). Sir, I lay on the table a copy of the Notification issued by the Chief Commissioner of Coorg, dated 4th February, 1942, relating to Coorg Motor Vehicles Rules, 1940.

#### THE CHIEF COMMISSIONER OF COORG

##### NOTIFICATION

*No A 31451/41, dated Mercara the 4th February, 1942*

In exercise of the powers conferred by section 70 of the Motor Vehicles Act, 1939 (Act IV of 1939), and the notification of the Government of India, Department of Communications No R 60, dated the 28th June, 1939, the Chief Commissioner is



pleased to make the following amendment to the Coorg Motor Vehicles Rules, 1940, issued with his notification No R F 43/12109, dated the 26th March, 1940

*Amendment*

In subrule (1) of rule 145 for the figures and words "225 pounds in weight unladen", substitute the figures and words "100 pounds in weight laden"

J W PRITCHARD,  
Chief Commissioner

THE PROTECTIVE DUTIES CONTINUATION BILL

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) Sir, I beg to move for leave to introduce a Bill to extend the date up to which certain duties characterized as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That leave be granted to introduce a Bill to extend the date up to which certain duties characterized as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect"

The motion was adopted

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** Sir, I introduce the Bill

THE INDUSTRIAL STATISTICS BILL

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) Sir, I beg to move for leave to introduce a Bill to facilitate the collection of statistics of certain kinds relating to industries

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That leave be granted to introduce a Bill to facilitate the collection of statistics of certain kinds relating to industries"

The motion was adopted

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** Sir, I introduce the Bill

SECRET SESSION

**Mr. President** (The Honourable Sir Abdur Rahim) Before I call upon Mr. Aney to move the motion which stands in his name, I ought to make it quite clear that the further proceedings of the House will be held in Secret Session. Therefore, all the galleries excepting those occupied by the Members of the Council of State will be cleared

I understand that the Honourable Members have agreed that there should be a time limit for speeches to be delivered on the motion which is to be moved by Mr. Aney. Each speaker will have twenty minutes

[Mr President]

with the exception, of course, of the Commander-in-Chief, because, I understand, the Honourable Members would like to hear the Commander-in-Chief make as full a statement as he can on the present war situation

If the Chair considers necessary in the case of any speaker to extend the time limit, the Chair will have discretion to do so in that particular case

[Accordingly all the Galleries, excepting the Gallery occupied by the Members of the Council of State, were cleared

The remainder of the sitting was in Secret Session and the Assembly discussed the following motion moved by the Honourable Mr M S Aney

"That the war situation be taken into consideration"]

The Assembly then adjourned till Five of the Clock on Saturday Evening, the 28th February, 1942

# LEGISLATIVE ASSEMBLY

*Saturday, 28th February, 1942*

The Assembly met in the Assembly Chamber of the Council House at Five of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair

## THE BUDGET FOR 1942-43

The Honourable Sir Jeremy Raisman (Finance Member) The year which has elapsed since I presented my last budget has been crowded with momentous happenings, as the struggle against armed aggression spread to every continent and developed the full proportions of a world war. The year has witnessed, both for good and for evil, the intensified pressure of the forces resulting directly from the war situation upon the economic structure of the country. The demands now being made upon her comprehend to the fullest possible extent the industrial possibilities of India. On a broad front—very much broader than some critics are willing to admit—a great advance has been made. I shall, in my speech today, only touch on the major features of that advance, for much has already been done to acquaint the people of India with the really striking achievements of Indian industry. The pressure upon the available industrial resources has been aggravated by the demands for Indian textile and other manufactured products from overseas areas which have been cut off from their former sources of supply. Inside India itself, the expansion of the national income due to the war is resulting in an increasing volume of demand which it is at times difficult to satisfy, in face of the inevitable diversion of capital resources and of trained labour towards the sustenance of the war effort.

2 So far as agriculture and raw materials are concerned, the situation can most easily be judged in the light of the course of prices. Over the greater part of the fiscal year, the price-level has been rising sharply and indeed the wide spread demand for the control of prices is a confirmation of the strain which increased purchasing power in the hands of consumers, on the one hand, and the diversion of resources to the war effort, on the other hand, is imposing upon the economy of India. The full utilisation of the country's productive powers which incidentally, are becoming increasingly diversified has its counterpart in growing incomes and increased opportunities for employment. That is the favourable aspect of the war on the economic side. The growing shortages, the necessity for doing without the sacrifices which all classes of the community are now called upon to undergo—these, which are the inevitable consequences of the immense wastages which modern wars involve—are the less welcome aspects of the economic situation. On the whole, however, this country has been fortunate the balance has so far been greatly to her advantage. I shall have occasion, at a later stage of my speech, to refer more fully to the technical aspects of the latest scheme for the repatriation of debt. But it is a remarkable fact that the demands now made on the economy of India are of a sufficient order of magnitude to make possible the retirement of virtually the whole of her external debt. The mere fact that this has been possible shows that our overseas trade, in spite of all the obstacles presented

[Sir Jeremy Raisman]

by the shortage of shipping, has been amply maintained and indeed, the acceleration of the rearmament programme in America, even before Japan's treacherous attack drew that country into the war, enabled us largely to neutralize the effects of the freezing-orders which we, in common with the rest of the Empire and the United States, adopted as a form of economic pressure in the summer of last year

3 It is of course obvious to everyone that the deterioration of the immediate position in the Eastern theatre of war must be a cause of anxiety, and that until it is rectified it will inevitably react on the economic situation. Certain of our old and new export markets are the scenes of actual hostilities, communications by sea have become more difficult, and the strain upon transport facilities within India itself, which is already very great, may become still more intensified. A temporary loss of confidence may check enterprise and may, to a certain extent, interfere with the high level of productivity previously attained. Nevertheless it requires no undue optimism to realize that the complete mobilization of the mighty resources of America and of the British Commonwealth, and the vast manpower of our heroic Chinese allies, must in time avail to hold the Japanese aggressor, and when the tide turns, as inevitably it will, there will be a powerful return of confidence which will again reinforce the tendencies making for a still further expansion of our economic activity.

#### FINANCIAL YEAR, 1940-41

4 I will now deal briefly with the results of the financial year 1940-41. In our revised estimates last February we expected to end the year with a deficit of Rs 8.42 lakhs. The actual deficit turned out to be only Rs 6.53 lakhs. For though expenditure, mainly on account of Defence, was Rs 2.05 lakhs higher than we expected, revenue improved by no less than Rs 3.94 lakhs. More than Rs 2 crores of this was on account of the larger contribution made by the Railways to general revenues. The only other appreciable increases were in Central Excise Duties and Income tax receipts. The divisible pool shared with the Provinces rose from Rs 16.47 lakhs to Rs 18.08 lakhs and the provincial share from Rs 3.73 lakhs to Rs 4.54 lakhs. In consequence of this there is a balance of Rs 81 lakhs to be paid to the Provinces this March along with the amount due to them for the current year. As the amount provided for the reduction or avoidance of debt was Rs 3 crores, the net addition to our indebtedness in 1940-41 was only of the order of Rs 3½ crores.

#### FINANCIAL YEAR, 1941-42

5 I now turn to the current year 1941-42. Our revised estimates for revenue for this year show a net improvement of Rs 16.62 lakhs. But against this our revised expenditure estimates show a net increase of Rs 20.04 lakhs. The increase in expenditure is almost entirely on account of the Defence Services, the estimated cost of which has expanded from roughly Rs 84 crores to Rs 102 crores odd. Thus, while at the time of the budget we put the deficit on the current year at close on Rs 14 crores we now expect this to increase to Rs 17.27 lakhs.

#### Revenue

6 For the first nine months of the current year our receipts from Customs continued at a satisfactory level, but since the entry of Japan into the war and the consequent dislocation of shipping in the Pacific there has been a

marked drop. We still, however, expect that the total receipts for the year will reach our budget figure with about a crore to spare. Central Excise Duties have also come up to expectations, increased collections of sugar excise duty more than making up for the loss on petrol, and our revised estimate is Rs 20 lakhs above the budget figure.

7 Collections of Income-tax and Corporation tax have continued to increase, so that our total revised estimate shows a further rise of Rs 3 crores as compared with the budget. The actual receipts of Excess Profits Tax during the current year are put at no more than Rs 8 crores out of an anticipated Rs 11 crores. This is largely due to an over-estimate of the extent to which the increase of the rate of tax to 66½ per cent would affect the current year's yield, the assessments actually made being almost wholly in respect of liabilities at the rate of 60 per cent. As I indicated the other day in reply to an Assembly question there has been in recent months a considerable improvement in the progress of assessments and these are now being made at the rate of over Rs 1 crore of tax a month. The divisible pool of income-tax has gone up from Rs 18.35 lakhs to Rs 22.17 lakhs. In consequence the Provinces are expected to receive an additional Rs 2 crores which with the arrears of Rs 81 lakhs due from last year will bring the amount to be distributed to the Provinces this year up to the record figure of Rs 7.39 lakhs.

8 As explained in my Budget Speech last year, only Rs 45 lakhs out of the profits from the issue of our small coin is being taken to revenue and the balance to a Suspense Account. The Indian Mints have, however, carried out a number of coinage orders for other Governments and the fees received for this work and for foreign orders undertaken by the Currency Note Press have gone to swell the revenue shown under Currency and Mint. The main rise under this head is, however, on account of the increase in the surplus profits of the Reserve Bank paid over to Government, which turned out to be Rs 2.47 lakhs as compared with our estimate of Rs 1.36 lakhs.

9 The working of the Posts and Telegraphs Department is now expected to result in a surplus of Rs 1.79 lakhs more than was taken in the budget. With the growth of traffic in all branches, especially Telegraphs and Telephones, gross revenue has increased from Rs 13.49 lakhs to Rs 15.68 lakhs. At the same time the employment of extra staff and the payment of overtime and other allowances has caused expenditure to rise from Rs 12.09 lakhs to Rs 12.49 lakhs. Under the arrangement explained in my Budget Speech last year the whole of the surplus will be taken to general revenues without any liability for the payment of interest. As already explained in the speech of the Railway Member, the net contribution to be paid by the Railways this year is no less than Rs 19.12 lakhs or nearly Rs 9 crores more than was provided in the budget estimates.

### *Expenditure*

10 *Defence Services*—Turning to the expenditure side of the current year, I deal first with the Defence Services. In my last Budget Speech I described in some detail the progress that had been made with the schemes for the modernisation and expansion of these Services. The objects are first to put India in possession of up-to-date naval, air and military forces, capable of undertaking the local defence of her own frontiers, and, secondly, to enable her to supply and maintain forces for employment overseas in what have been described as the outer bastions of India's defence. Schemes of this

[Sir Jeremy Baisman.]

nature must, of course, be revised from time to time as the threats to particular aspects of India's security approach or recede with the developments in the war situation as a whole. Towards the close of 1940-41 the deterioration in the position in the Middle East, the over-running of the Balkans, and the emergence of sinister pro-Axis manifestations in Iraq, all pointed to the necessity for a further strengthening of our defences against attack from the West.

The prompt and effective action taken in Iraq and Syria eased the threat to India from this quarter for a brief space but Germany's sudden onslaught on Russia and determined drive towards the Caucasus revived it in an acute form. The recent successes of the Russians in the Ukraine and the reverses inflicted on the enemy in Libya lessened, for the time being at least, the danger from this quarter, but it would clearly be folly even now to ignore its existence and grave potentialities. Meanwhile, an even more serious menace from the Far East had been gradually looming up, culminating last December in war with Japan. Although this possibility had not been overlooked, the unfavourable course that this conflict has so far pursued and its rapid approach to within a relatively short distance of India's frontiers has created additional problems of the greatest urgency, which call for immediate action.

11 The defence schemes to which I referred last year were drawn up for the most part early in 1940 and in view of the increases since then in the magnitude and imminence of the threats to India's security, these schemes have undergone considerable modification and their cost has greatly increased. Before examining the financial implications of these changes I propose as last year to give the House some account of the expansions carried out and others at which we are aiming. For obvious reasons it is not possible to divulge in full the scope of our plans but what I have to say will, I hope, give some idea of the steadily growing magnitude of India's war effort.

12 In spite of the enormous requirements of a modern army and the far higher and more varied degree of training required of all ranks than was necessary 25 years ago, our armies are now more than twice as large as they were at the corresponding stage of the war of 1914-18. We now have in all over a million men under arms, twice as many as when I last addressed you. Our recruiting activities have led to a remarkable increase in the intake of recruits other than officers which has risen during the last 12 months from an average roughly of 20,000 per month to 50,000 per month. The arrangements for housing, feeding, clothing and transporting these large numbers of men have presented administrative problems of unprecedented magnitude. The recruitment of officers in India has not, on the whole, been as satisfactory as we could have wished. One reason put forward for the inadequacy of the response in this field has been that the terms offered to Indian Commissioned Officers are not sufficiently attractive. Improved rates of pay have recently been sanctioned for this class of officers. The institution of a Pre-Cadet Training College to supply certain deficiencies in training and education for young men who would otherwise make good officers may also be expected to improve the intake of officers required for our new armies.

13 All our old cavalry regiments have been mechanised and additional units of the new type are steadily being raised. Heavy and light armoured formations have been raised and others are forming. Concentrated efforts continue to be made to train intensively the thousands of officers required to instruct and lead our new units, and courses of instruction are modified whenever necessary so as to embody the lessons learned in actual operations.

against the enemy. Last year I laid stress upon the extreme importance of adequate training and the fact that, next to the provision of arms and equipment, the pace of our expansion was conditioned by the quality of our training. During the last 12 months the various schools and other training institutions of the Defence Services have been greatly increased. Thus, the Staff College has increased its output by 100 per cent since March 1941. The Fighting Vehicles School and the Artillery School have also doubled in size since that date. The Tactical School, Small Arms School and Army Signals School have all been greatly expanded. Many new training institutions have also come into being. An Air Landing School, for the training of parachute troops is now in full operation. A special centre for instruction in anti aircraft and coast defence artillery has also been created. In addition to the Officers' Training Schools, where several thousand cadets and newly commissioned officers are learning the rudiments of their profession, a Higher War School has been established at the other end of the scale for the instruction of senior officers.

14 The position in regard to equipment has, for one reason and another, never ceased to give rise to anxiety and it is only by dint of resourceful planning that we have been enabled to push on so fast with our expansion. I mentioned last year the arrangement whereby His Majesty's Government guaranteed to give us a substantial fixed percentage of the output of the United Kingdom in articles which we cannot make for ourselves. Although this proportion has recently been doubled and our anxieties on the score of equipment lessened they will not disappear for some time yet. The establishment of new factories and the expansion of existing factories in India for the production of ammunition, lethal weapons, explosives, and other articles required for war purposes, as a result of the Roger Mission schemes, will further ease the position in this respect as the new and expanded factories come into production.

15 The programme of expansion for the Royal Indian Navy which I indicated last year, is now materialising rapidly. The strength of officers and ratings has been approximately doubled. Two new sloops of the latest type, fast and well armed, are fully commissioned and have already seen service. Others are under construction in the United Kingdom. A large programme of building in connection with our Local Naval Defence requirements has been undertaken in India and some vessels have already been completed and commissioned. New and enlarged accommodation for the Gunnery School and Mechanical Training Establishment, has been provided during the past year.

The opening of a Junior Boys Training School with effect from the 1st February, 1942, calls for special mention. This School is designed as a feeder to the Boys Training Establishment at Manora on which the Royal Indian Navy largely relies for recruits to the ranks of seamen; engine room and other ratings. The new school is intended to give promising boys of about 15 years of age who would not otherwise acquire the educational qualifications prescribed for admission to the Boys Training Establishment, the general education needed to bring them up to the requisite standard. Both as a permanent addition to India's educational facilities and as a source of recruitment to the Royal Indian Navy the scheme is likely to prove of great benefit to India in years to come.

The work in H. M.'s Indian Dockyard or in private firms under Royal Indian Navy supervision on His Majesty's ships and on repairs, armament and protection of both British and Indian merchant ships, has steadily increased during the year. Additional dry docking facilities have also been provided by extending and reconditioning existing docks.

[Sir Jeremy Raisman]

16 The development of the Air Forces has proceeded as fast as the provision of equipment and skilled technical personnel permitted and much progress has been made during the year. Modern aircraft are now arriving in India and a substantial quantity of modern training equipment has been received. The rapid and continuous increase in the complexity and requirements of modern aircraft, the introduction of new types of squadrons, and the increases in the establishments of both personnel and machines for the various types, add greatly to the difficulties of organising our air defences. For the operation of the new makes of machines landing grounds have to be constructed to much higher standards than those accepted as suitable two years ago, while accommodation both for personnel and machines and other operational facilities, incidental to modern air defence are necessary on a far larger scale than was then envisaged. All these factors, I need hardly point out, add substantially to the cost of building up India's air defences. The formation and expansion of training institutions has gone ahead rapidly and there has been a recent increase in the civil repair and maintenance organisation. Under the scheme for the creation of a reserve of Indian Air Force Officers to which I alluded last year approximately 300 officers have been produced by the civil organisation and passed on to service training institutions, whence they should eventually be absorbed into active formations. The fullest use possible is being made of civil resources and the scheme inaugurated by the Director of Civil Aviation for pre entry basic training for Indian Air Force mechanics is in full working order. Finally, the scheme for the assembly and manufacture of aeroplanes in India has made good progress. It is confidently hoped that the factory will complete its programme of fighter and bomber construction before the end of the present calendar year although considerable difficulties have been encountered in securing the release from America of the necessary materials, particularly since America entered the war. It has not yet been possible to secure from America all the materials needed for the programme of trainer aircraft and this may be delayed in consequence. In addition, the factory is doing valuable work in carrying out major repairs to aeroplanes of many types.

17 To understand the effect of these further developments in India's activities on our defence estimates it must be borne in mind that under the Financial Settlement with His Majesty's Government only such portion of the expansion of India's Defence Services as is related to India's local defence requirements is chargeable to Indian revenues. Thus, as I explained last year, India bears the cost of raising and training, and (to some extent) of equipping any additional forces raised and retained in this country in pursuance of her expansion schemes, while the whole cost, initial and recurring, of such additional forces as are sent overseas is recoverable from His Majesty's Government.

The amplification of these schemes and the putting into force of many other measures designed to improve India's coastal, air, and land defences, involve a large increase in India's share of the war bill. The basic factor underlying this increase is the great rise in the numbers of service personnel actually in India, either on the effective strength of units or undergoing training. Apart from the pay and allowances of these men, in itself a substantial item, the cost of feeding, accommodating, clothing and equipping them, constitutes a very heavy additional burden on Indian revenues. Another contributory factor is the enormous rise in the cost of providing ground and other operational facilities for the modernised squadrons required for India's local defence, to which I have already referred. Our total war commitments



estimated last year at Rs 52 crores initial outlay and Rs 19 crores annually recurring, have now on a rough computation risen to something like Rs 100 crores initial and Rs 40 crores recurring. During the current year the Indian portion of the initial and recurring costs arising out of these enlarged commitments will amount to roughly 54 crores, i.e., Rs 18½ crores in excess of the amount provided for Indian war measures in the budget.

18. The details of the revised estimate of defence expenditure for 1941-42 amounting to Rs 1,02,45 lakhs are as follows

	Lakhs of rupees
(1) Basic normal budget	36,77
(2) Effect of rise in prices on (1)	4,24
(3) India's war measures	53,03
(4) Non-effective charges	8,41
	<hr/> 1,02,45

The increase of 69 lakhs in item (2) over the corresponding budget figure is due to the rapid rise in the general level of prices of indigenous stores. The increase of 17,63 lakhs in item (3) is made up of the increase of Rs 18½ crores just mentioned less Rs 85 lakhs on account of India's share of contributions for defence purposes received from the Viceroy's War Purposes Fund. The estimate of non-effective charges remains unchanged pending conclusion of a settlement with His Majesty's Government regarding the allocation of such charges arising out of the war. The terms of this settlement are still under discussion.

It may be of interest to the House to know that the gross expenditure on defence services and supplies expected to be brought to account in India's books for the year 1941-42 amounts in all to Rs 300 crores of which after India's share as shown above has been deducted the balance of nearly Rs 200 crores is borne by His Majesty's Government. This latter figure does not include the value of equipment supplied and other services rendered by His Majesty's Government without charge.

#### *Civil Estimates*

19. Civil expenditure in the current year has increased by Rs 1,72 lakhs. This is mainly due to the expansion of schemes and activities undertaken in connection with the war. The Department of Supply has made steady progress since I last gave the House an account of its activities. No substantial change has been made in its organisation, but for the duration of the war the Indian Stores Department, the Contracts Directorate, and the temporary officers employed on Purchase duties have been merged into a single Purchase Branch with the object of making the most economical use of the staff available. The Textiles Directorate has now been divided into two Directorates one of which has been located at Bombay to deal exclusively with Cotton Textiles. In the Directorate General of Supply, there has been continuous development. Close relations have been established with the Indian Cotton Textiles Industry and by co-operation between the Department and a Panel representing the Industry bulk purchases have been arranged on a very large scale. Something like 700 million yards of cotton textiles will be purchased during the year 1942-43. The Clothing Factories, multiplied ten-fold since the outbreak of war, are turning out more than eight million garments a month. A new Parachute Factory has been set up, and the first Indian-made Statichutes have passed their

[Sir Jeremy Raisman]

trials satisfactorily. The production of web equipment is being rapidly stepped up, and the output of leather goods has increased thirty-fold. Enormous quantities of timber are being extracted from the Indian forests, and a considerable sawing industry has been established which provides employment for a large number of people. Many new chemicals have been produced for the first time in India, and Indian sulphur will shortly be on the market.

20 The Directorate General of Munitions Production has launched satisfactorily a large number of new projects. In my last Budget Speech I referred to the possibilities of expanding India's output of war supplies on lines suggested by the Roger Mission whose recommendations were then under consideration. His Majesty's Government have since completed their examination of recommendations and as a result have approved 20 new projects involving in all a capital outlay estimated at roughly Rs. 12 crores, and these are now in various stages of execution. These projects involve the establishment of new factories and the expansion of old ones for the production in India of weapons, ammunition, steel, and other stores in urgent demand for war purposes, and should, before long, add materially to India's capacity for the production of munitions besides making her self-supporting in respect of certain items for the supply of which she had hitherto to rely on imports. The whole of the capital outlay on the erection and establishment of these factories is being borne by His Majesty's Government, but India will of course pay for such of the articles produced by the new factories as are utilised for purposes of India's local defence.

21 The load on trade and railway workshops has also been substantially increased. Apart from fabricated engineering stores, the tonnage of which is very considerable, the output includes a large range of military requirements from armoured fighting vehicles and small auxiliary naval craft down to camp kettles. Steam-driven marine engines are in production, and India has made her first electric transformers. These results have been achieved by the ready co-operation of industrial concerns throughout India and of the Railway Administrations. Some idea of the magnitude of the Department's activities is given by the fact that from the beginning of the war to the end of December 1941 the orders placed through the Department are valued at approximately Rs. 230 crores, not including the value of the manufactured goods produced in the Ordnance Factories. The additional expenditure on account of these expanded activities is expected to amount to Rs. 64 lakhs in the current year.

22 The decision of the United States of America early in 1941-42 to make available to the democratic powers the great resources of that country in equipment and stores of all kinds required for war purposes, on Lease-Lend terms, constituted one of the most significant and heartening developments of the war. In order to ensure that India participated to the fullest possible extent in these Lease-Lend facilities an Indian Purchasing Mission was created in the United States of America under the chairmanship of Sir Shanmukham Chetty, and it is due in large measure to his able exposition of India's case for Lease-Lend assistance that India has now been admitted to the benefits of Lease-Lend facilities, on the same terms as the United Kingdom itself and other members of the British Commonwealth of Nations. The indents placed for supplies on Lease-Lend terms up to the end of January, 1942, amounted in value to roughly Rs. 47 crores. How far, if at all, America's entry into the war may have the effect of postponing deliveries against these indents or of diverting them to other sources of supply, it is impossible to say, but assuming that no such retardation or diversion occurred, a very rough computation indicates that goods valued at Rs. 11

crores against these indents may arrive in India during 1941-42. The corresponding amount for 1942-43 is Rs 34 crores. The bulk of the items included in these indents comprise stores required either for direct supply to the Defence Services in India or for supply in connection with contracts for the production of war like stores. A relatively negligible portion of the demands relate to civil requirements, i.e., for A R P stores, etc. In so far as stores received on Lease-Lend terms are utilised for the equipment of troops sent overseas or for other needs which are paid for by His Majesty's Government under the Financial Settlement the benefits and obligations conferred by Lease-Lend will of course be passed on to that Government. The value of such of the stores as are utilised for Indian purposes, whether by the Defence Services, Civil Departments of the Central Government, or Provincial Governments, will be debited to the budgets concerned and corresponding credits will for the time being be taken to a Suspense Head of Account. We have not yet been informed of the precise nature of the obligation that these Lease Lend facilities will impose on the Governments making use of them and it is therefore considered prudent for the time being to budget and account for these stores in the same way as though they had been obtained by cash purchase until the precise manner in which the Lease-Lend liability will ultimately be liquidated becomes known. As I have already said, the great bulk of the amounts mentioned above relate to stores supplied for the Defence Services in India but the precise division of these amounts between His Majesty's Government and the Government of India cannot at this stage be determined.

23 There has also been an inevitable expansion in other spheres of Government administration to deal with special wartime problems. A Chief Controller of Imports has been appointed to regulate the Import Trade Control scheme we have had to set up the Wheat Commissioner and the Controller of Coal Distribution and their staffs. An organisation has had to be created to administer the Petrol Rationing scheme and a Secretariat staff has been recruited for the (Post War) Reconstruction Committee. The estimates also include Rs 1.41 lakhs which have to be provided for setting aside additional War Risks insurance premia on goods. These amounts are included in our revenue receipts and corresponding payments have to be made into the Fund created for this purpose. The amount to be paid this year in connection with A R P mainly in grants to the Provinces, is estimated at Rs 1.07 lakhs. Equipment of the new Mint which is now being constructed at Calcutta to enable us to meet the rising wartime demands for coin both for ourselves and from Allied Governments is costing Rs 26 lakhs. A further Rs 6 lakhs is on account of the larger output of coin from our existing mints, the profits from which go to increase our revenue. The net increase in the Civil estimates would have reached a larger figure but for a welcome reduction of Rs 3.09 lakhs in our interest charges. This is mainly due to the saving in interest on the counterparts of our sterling loans for the period they were held in our Cash Balance Investment Account before they were sold, converted or cancelled. There are also certain special savings on the repatriation operations carried out last February. These will be counterbalanced in future years by the larger interest payable on the rupee loans raised to replace our cancelled sterling debt but in the current year there is an immediate reduction in our interest payments.

#### FINANCIAL YEAR, 1942-43

##### *Revenue*

24 I now come to the financial year 1942-43. Our total revenue estimates amount to Rs. 1,40.00 lakhs as compared with Rs 1,29.62 lakhs in the revised

[Sir Jeremy Raisman]

estimates of this year. Against our current year's estimate of the yield from Customs duties of Rs 36 crores, we have taken for 1942-43 Rs 30 crores. This figure includes the estimated yield of Rs 2 crores from the special additional import duty on raw cotton, which was recently imposed in order to finance the measures to be taken to relieve the short staple cotton situation. The full effect on our foreign trade of the war in the Pacific has yet to be seen and on the information at present available we must prepare for a considerable drop in imports which may turn out to be even more serious than we have allowed for. Against this the yield from Corporation Tax and Income-tax together with the Central surcharge is expected to increase by over Rs 3 crores, and the collections of Excess Profits Tax have been put at Rs 20 crores as compared with Rs 8 crores in the current year. On this basis the divisible pool of Income-tax will increase to Rs 25.75 lakhs and on the assumption that the sum to be retained by the Centre from the Provincial moiety will be maintained at Rs 4½ crores, the share of the Provinces next year is expected to reach the figure of Rs 8.37 lakhs. I may observe that this is considerably more than the total sum which at the time of the Niemeyer Award the Provinces were expected to receive at the end of the ten-year devolution period or than ever appeared to be possible before the outbreak of war.

For next year the revenue of the Posts and Telegraphs Department is expected to be Rs 15.77 lakhs and expenditure Rs 12.54 lakhs. Telegraph and telephone traffic, the revenue from which has doubled in the last four years, is now being carried almost to capacity and the bulk of the Rs 1.11 lakhs provided for capital works in 1942-43 is to be spent on increasing the capacity of the existing telephone and trunk systems and on opening new lines and exchanges.

#### *Expenditure*

25 *Defence Services*—The Defence Budget for 1942-43 amounts to Rs 1,33,00 lakhs made up as follows

	Lakhs of rupees
(1) Basic normal budget	36.77
(2) Effect of rise in prices on (1)	6.52
(3) India's war measures	81.30
(4) Non effective charges	8.41
	<hr/> 1,33.00

The increase over the revised estimates in item (2) is based on the anticipated further rises in the general level of prices during 1942-43. The heavy increase against item (3) is due to the growth of our expansion and other war measures in the circumstances already explained. Of the total amounts shown, roughly Rs 47 crores represent initial expenditure and Rs 36 crores annual recurring expenditure. An allowance has also been made for an aggregate credit amounting to Rs 1½ crores for the year from the Viceroy's War Purposes Fund. Here again, I would draw attention to the fact that the estimated amount of India's Defence expenditure is only a fraction (approximately one fourth) of the gross Defence expenditure likely to be brought to account in India's books during 1942-43. In other words, the amount of expenditure on defence services and supplies that we expect to recover from His Majesty's Government during that year under the operation of the Financial Settlement exceeds the enormous total of Rs 400 crores.

By far the greater part of this amount as also of the corresponding amount of Rs 200 crores for the current year represents expenditure connected with the provision or maintenance of forces engaged in operations overseas that vitally concern India's security against external aggression. More than one half of the total amount relates to the acquisition and storage in India of stores of all kinds intended for the initial equipment or maintenance of such forces. A relatively small portion of these amounts consists of expenditure unconnected with the defence of India, such as, the value of equipment and stores supplied direct to the United Kingdom and expenditure on prisoners of war held in this country.

In addition His Majesty's Government have undertaken the supply to India without charge of large quantities of aeroplanes, vehicles, guns, and other equipment required in connexion with the expansion of India's Navy, Air Force and Army. The total value of such free supplies already made or expected to be received by the end of 1942-43 is roughly Rs 60 crores.

#### *Civil Estimates*

26 Our civil expenditure estimates show increases amounting to Rs 9,63 lakhs in all as compared with the current year's revised estimates. Though this is a large amount, particularly at a time when ordinary expenditure has to be restricted to the minimum, I will not take up the time of the House by going over the details which are furnished in full in the Explanatory Memorandum on the Budget. I will merely mention the chief components in order to indicate to what extent this extra expenditure is directly related to essential measures connected with the war. There is first of all the expenditure on Civil Defence for which Rs 4 crores have to be provided. Under the new scheme of financial allocation of the cost of A R P measures, which was drawn up after a conference between the Centre and the Provinces, each Provincial Government is in each financial year to bear the whole of its expenditure up to a specified amount which is to be fixed in a certain broad relation to the provincial revenue receipts. The amount over and above this initial slab of expenditure will be divided into further slabs, of which the first is to be shared 50/50 by the Central and the Provincial Governments, the next 75/25 and anything beyond that 87½/12½. This new allocation will not disturb the previous arrangement whereby the Central Government bear the whole of the non-recurring expenditure sanctioned by them prior to the 1st July, 1941, and the recurring expenditure sanctioned by them and incurred before that date. The scheme is designed to ensure that necessary A R P measures are undertaken without delay and that the financial help given by the Centre should be determined in the light of the magnitude of the A R P expenditure to be incurred by each Provincial Government and the capacity of the revenues of the Province. It also takes into account the additional resources which the Provinces are deriving from the larger distribution of income-tax. The amount of A R P expenditure to be shared next year will of course depend to a great extent on future developments, so that our present estimate of the amounts to be paid out by the Centre can only be regarded as tentative.

27 The original Technical Training Scheme by which 15,000 men were to be trained for the technical branches of the Defence Services and Ordnance and Munitions factories has since been expanded to provide for the training of 48,000 men by the end of 1942-43. This is to cost Rs 2 crores. A further expansion costing about Rs. 20 lakhs is also being undertaken to meet the needs of civil industry. Of these amounts Rs 1,32 lakhs are expected to be spent next year.

[Sir Jeremy Raisman]

28 There is a special provision of Rs 26 lakhs for expediting the Civil Aviation programme in addition to the annual subvention of Rs 35 lakhs. Rs 17 lakhs are required to complete the programme of the Karachi, Peshawar and Delhi Broadcasting Houses and the construction of the new high power transmitter for foreign broadcasts. The continued expansion of the Supply Department's activities is expected to require a further Rs 48 lakhs over and above the amount provided this year. Then there are the sums to be transferred to special funds, such as War Risks Insurance premia, the proceeds from the enhanced import duty on raw cotton and the cess on exports of agricultural produce which amount to Rs 3.24 lakhs, Rs 2.00 lakhs and Rs 18 lakhs respectively. These have to be provided in our expenditure estimates though in effect they are set off by corresponding receipts on the revenue side. A further large item is the increase of Rs 1.75 lakhs in our interest charges. This is due to the fact that the immediate savings which resulted from our Sterling Debt Repatriation operations will not recur next year and though there will be a large reduction in interest payable in England from the repayment of the 2½ per cent and 3 per cent non terminable sterling loans, this will be offset by the additional interest to be paid in India on the Defence Loans and Treasury Bills raised to finance this repayment. Next year's provision for interest will still, however, show a saving of Rs 1.34 lakhs as compared with the budget for 1941-42.

29 I can now summarize the position for the coming year. The expenditure detailed in the Civil estimates comes to Rs 54.07 lakhs and the provision for the Defence Services has been placed at Rs 1.33.00 lakhs. Our total expenditure estimates thus amount to Rs 1.87.07 lakhs. The total revenue, at the existing levels of taxation, is estimated at Rs 1.40.00. We are thus left with a prospective deficit of Rs 47.07 lakhs.

#### WAYS AND MEANS

30 At this stage I will as is usual give an account of our ways and means position, which naturally assumes a much greater importance in the scheme of wartime finance.

*Defence Loans*—Since the Defence Loans were first issued in June, 1940 they have produced a total of Rs 1,10.30 lakhs up to the end of January, 1942. The greater part of the amount subscribed this year has been in the form of investments in the three per cent Second Defence Loan, 1949-52, which was on tap from the 1st February, 1941, and has only just been closed. The continued response to the Interest-free Defence Bonds has been most welcome. The sales of Defence Savings Certificates and Stamps have also brought in a steady if modest flow of subscriptions, the total of which now amounts to about Rs 4.67 lakhs.

31 The aggregate of these sums is no doubt a respectable figure in relation to the normal scale of public borrowing in India. But in the circumstances of the present time it is manifest that a continuously increasing rate of saving is essential not only to finance our expanding war activities but to keep the economy of the country in a sound and healthy condition. Our own Defence expenditure has reached a scale of Rs 40 lakhs a day and is continuing to grow. But there is a much larger expenditure on account of supplies and services to His Majesty's Government and other allied governments. For these we receive payment in sterling but have to disburse the equivalent amount in rupees within the country to those who have provided the goods and services. This creates a large increase in the purchasing power available in the hands

of people in the country. The whole of that purchasing power cannot possibly be utilised in a satisfactory and wholesome manner at the present time when so much of the productive power of the country must be directed to the war effort and when the purchase of desirable imports is necessarily subject to the most severe restrictions. In these circumstances it is of paramount importance that claims for consumers' goods should, as far as possible, be postponed, in other words, that the individual should refrain from intensive competition for goods of limited supply and should save his money for expenditure at a more suitable time. In this way he will not only provide a reserve for himself against more difficult times to come but he will assist in the prevention of those sudden rises in the price level which are a source of great hardship to so large a part of the community. These are familiar facts in any wartime economy, but they need to be brought home to those large numbers in India today who find themselves in possession of an enhanced spending power. The object of the National Savings campaign is to try and persuade people to follow this course in their own interest and that of the country. A conference of representatives from Provinces and Indian States was held last month to survey the progress made with this movement and to consider the further measures necessary to advance it. I can only repeat that nothing is more important than that people with surplus purchasing power in their hands should be taught at the present moment to save wherever possible rather than spend. I shall have more to say on this subject towards the end of my speech.

During the current year the outstanding balance of the three per cent Bonds, 1941, amounting to Rs 10½ crores was repaid, Rs 8½ crores by conversion and the remainder in cash. Apart from the undated sterling loans, to which I shall refer later, the only loan we have the option of repaying next year is the five per cent Loan, 1942-47, but of this the balance still outstanding is only Rs 65 lakhs.

**32 Sterling Position**—With the increased war demand for supplies from India, sterling has continued to accumulate in the Reserve Bank at a rate greatly in excess of the previous years' figures and our anticipations. Purchases by the Bank during the first ten months of the current year amounted to approximately £57 million. At the time of the budget we estimated a net refund by the Secretary of State of £26 million. Since then, however, the volume of recoverable war expenditure and purchases on behalf of His Majesty's Government and Allied Governments has increased continuously, and the net refunds for the year are now expected to aggregate £53 million after providing for the repayment of the 2½ per cent and 3 per cent undated sterling loans next month. For next year the net refunds by the Secretary of State are estimated at £164 million after allowing for the repayment of the remaining undated sterling loans and for the payment of £13 million for the purchase of the Bengal and North Western Railway and the Rohilkhand and Kumaon Railway.

**33 Repatriation of Sterling Debt**—In my Budget Speech last year, I dealt at some length with our scheme for the repatriation of India's sterling debt and its financial implications. During the course of the current year, thanks to the cooperation of the Bank of England and the Reserve Bank, not only were we able to carry out this important and complex transaction smoothly, but we have also been able to adopt, with the assistance of His Majesty's Government, a similar scheme for the repatriation of the remaining non-terminable portion of our sterling debt. The total terminable stock acquired under the first scheme amounted to Rs 97 crores leaving only some Rs 15 crores outstanding as being outside the scope of the British and Indian Vesting Orders. The sterling paid out to those holders who were entitled to

[Sir Jeremy Raisman]

payment in sterling was £66 3 million, while of Rs 14,56 lakhs dealt with under the Indian Order Rs 13,30 lakhs were acquired in exchange for counterparts, the small remainder being paid for in cash. Including the market purchases that preceded the first compulsory acquisitions, the total sterling debt was reduced by £101 million and the annual interest payments in sterling by over £4 million. The continued accumulation of sterling with the Reserve Bank made it possible for us to enlist once more the assistance of His Majesty's Government and to announce towards the end of December last the second compulsory scheme of repatriation, and at the same time to give notice of redemption of the 3½ per cent undated stock on the 5th January, 1943. The probable requirements of sterling for the 2½ per cent and three per cent stock are £70 million, and thus the Reserve Bank will be able to find for us with the greatest ease. Another £70 million will be required during the course of next year for payments in connection with the 3½ per cent stock and this amount will also be available without any strain on the Reserve Bank's sterling.

34 There has been criticism in some quarters that the open market purchases made from time to time before the first compulsory repatriation pushed up the prices against us and, therefore, made the scheme unduly expensive. This criticism is not valid because the bulk of our purchases were made during March to October, 1940 when security prices had slumped as a result of the international situation, and the prices paid were close to the minima fixed by the London Stock Exchange. Moreover, we had stopped making purchases for a couple of months before the date of the Vesting Orders. We did not resume them for the undated stock until we could pick up stock at reasonable prices again after the second week of December last. There is no evidence that our purchases were a factor of any recognisable significance in the fluctuations of the market prices from time to time, which were more or less parallel in the United Kingdom and in India.

35 Last year I gave the House a tentative outline of our plan of rupee finance for the first measure of repatriation. As I then explained, there are two stages: first, to acquire the sterling from the Reserve Bank and, secondly, to obtain rupees to pay for that sterling. Owing to the large sterling resources of the Reserve Bank the first operation presented no difficulty, and, as regards the second, I explained that it would obviously be impossible to attempt to borrow this immediately from the market, particularly in view of our defence borrowing requirements, and that in fact there was no need to hurry this process unduly. The procedure should be designed so as to avoid any immediate shock to the rupee security market and to fund these obligations gradually as the market was able to absorb them. To the extent to which these terminable loans were held by Indian investors, as their price was roughly at a parity with the price of similar Indian securities, it was possible to give them direct payment in the form of counterparts and the rupee finance of these of course presented no difficulty. As for the balance amounting to approximately 84 crores, it was taken over either by the Reserve Bank in the form of counterparts, or was met out of our balances, or financed by *ad hoc* treasury bills or ways and means advances from the Bank, the object being to provide both the Bank and Government with a portfolio which could be sold gradually to meet the market demand.

6 The first step taken in this direction was the cancellation of stock which, in our opinion, was in excess of the absorptive capacity of the market over the next few years and was not required for ensuring the marketability of such of the counterpart stock as was in the hands of the public. As a result



some Rs 47 crores of stock including that taken over from the Reserve Bank was cancelled and a small proportion was converted into existing loans for which there is a fairly sustained demand from the market. The combined result of these operations was an increase of Rs 92 crores in our rupee debt and of Rs 3 crores in our rupee interest charges against a reduction in sterling debt by Rs 135 crores and sterling interest by Rs 5½ crores. As opportunity occurred during the year by arrangement with the Reserve Bank, *ad hoc* treasury bills taken up by the Bank in connection with the repatriation were gradually cancelled against the transfer of sterling from the Banking Department to the Issue Department. In the result, prior to the announcement of the second scheme of repatriation, the Reserve Bank held only Rs 2,71 lakhs of *ad hoc* treasury bills. Meanwhile counterparts on Government's account were sold to the public as they required them, and by the end of December last, out of some Rs 139 crores of rupee counterparts created since repatriation was first undertaken, Rs 47½ crores had been cancelled, Rs 51 crores were in the hands of the public, a little over Rs 31 crores were held by the Reserve Bank and Rs 9½ crores were held on Government account. As our outstanding of Treasury Bills actually decreased by Rs 14 crores between the 1st March, 1941 (*i.e.*, prior to the repatriation payments) and the end of January 1942, we may conclude that the cash payments on account of the counterparts which were cancelled have ultimately been financed almost entirely from Defence Loan proceeds. We may, therefore, claim that the bulk of the floating debt incurred for the financing of the first instalment of repatriation has already been funded. We may also be reasonably confident that we shall not encounter any unusual difficulty in making satisfactory arrangements for the financing of the second instalment of repatriation due to be carried out in two stages—one in March, 1942 and the other in January, 1943.

37 In regard to the 3½ per cent stock, Government have been criticised in some quarters for not extending to it the machinery of compulsory acquisition used in the case of the other stock. This criticism overlooks the fact that although compulsory acquisition can be justified as a contribution to the general war effort, it is still compulsion and cannot be lightly employed. In the case of the 3½ per cent stock, which has been standing so near to par and which is redeemable on a year's notice, we could urge no sufficiently valid reason for His Majesty's Government to use their special war time powers to acquire it for us, even though the acquisition would have meant some acceleration of the release of sterling for investment in a more permanent form in British Defence Loans.

38 I pointed out last year that the real gain to the country from repatriation lies in the liquidation of external obligations which might prove an embarrassment in future and their replacement by internal debt. The method of finance employed, involving as it does payment to holders out of short-term obligations to be replaced gradually by funded loans, results in a certain temporary revenue gain. That, however, is only incidental, and if I mention a figure, I intend it to be a matter of only secondary interest to the House. We calculate that on the figures already given, the net saving to the revenue budget under interest would be of the order of Rs 90 lakhs. In addition, to the extent to which the Reserve Bank is for the time being holding higher interest bearing rupee counterparts in its Issue Department instead of short-term sterling investment of lower yield, its profits will increase, and as ultimately the Bank's surplus profits are transferred to Government, Government gains thereby. I make no attempt to calculate precisely the size of this addition to Government revenue, but content myself with stating that it should be approximately of the order of Rs 50 lakhs.

[Sir Jeremy Raisman]

39 A question is sometimes asked as to the effect of these large transactions on the Bank's sterling reserves. In point of fact, by the 1st August, 1941, the sterling reserve in the Issue Department had already been restored to the figure at the close of the previous year ending 30th June, 1940, in spite of large payments on account of repatriation. Immediately before the announcement of the second scheme, in spite of a very large increase in note liabilities, the Reserve Bank held gold and sterling securities accounting for 77½ per cent of the note liabilities, and at the end of January, it was in a position to find all the sterling necessary for the 2½ per cent and three per cent undated stock and yet retain a cover in gold and sterling securities well above 40 per cent. Indeed in this respect the Bank might almost be said to possess an embarrassing plenitude.

40 *Treasury Bills*—In the Budget we assumed a net decrease of Rs 11½ crores in the value of Treasury Bill outstandings. Actually by the end of January 1942 the outstandings had been reduced from Rs 69 crores to Rs 45½ crores, that is, by Rs 23½ crores. This improvement was due mainly to better Defence Loan receipts and sales of stock held by Government. Also, although the Reserve Bank have not found it necessary this year to take from us the rupee coin for which we had anticipated a credit of Rs 5 crores, we have actually realised Rs 10 crores from the sale of silver in India. Incidentally, the Bank will in the normal course have to take a further Rs 5 crores of rupee coin from Government next April under Section 36 (2) of the Reserve Bank of India Act and we are accordingly assuming a credit of this amount next year.

We shall, however, have to find large sums to cover the repayment of the 2½ per cent and the three per cent undated sterling loans next month and we propose to meet this by creating additional treasury bills to the extent of Rs 39 crores, the balance of the amount required being found either by the issue of stock to the Bank or from our own balances, supplemented if necessary by temporary ways and means advances.

41 *Post Office Cash Certificates and Savings Banks*—The net discharge of Cash Certificates this year is not likely to vary appreciably from our original estimate of Rs 6 crores, but, against the credit of Rs 2 crores assumed in the budget, Savings Bank transactions are likely to result in a net outgo of Rs 7 crores. Until recently there was a steady decrease in withdrawals but with the extension of hostilities in the Far East there has been a setback. The position will, it is hoped, improve before long and for next year we are estimating the net encashment of Cash Certificates at Rs 5 crores and the net withdrawals of Savings Bank deposits at Rs 2 crores.

#### NEW PROPOSALS

42 I now address myself to my final task, which is to lay before the House the proposals of the Government for the treatment of the deficit of Rs 47.07 lakhs, which, on the estimates we have made, is anticipated in the forthcoming financial year. But before I explain the measures which have been embodied in the Finance Bill, I have certain preliminary observations to make. From much that I have already said it is clear that the problem with which we are faced can no longer be handled from the limited aspect of the balancing of Government revenue and expenditure. In the Explanatory Memorandum to the Budget, we have exhibited this year certain indices and statistics of the kind to which the careful observer of economic trends is accustomed to refer when judging of the

economic situation of a country I do not think that I should, in the course of this speech, embark on a theoretical examination of the precise significance which should be attached to these indices. I would rather confine myself to the statement of our own broad conclusion formed after taking into account the various relevant phenomena. It cannot be doubted that the factors which are at work today throughout the world, and which affect practically every country, whether belligerent or neutral, are also operating in India. In so far as those tendencies give rise to anxiety, I think it is fair to say that India is not only not in the forefront of the countries exposed to major economic perils but that she is indeed somewhat further removed from the point at which the more drastic forms of action would be called for. Nevertheless it is a so beyond dispute that a stage has been reached at which, in addition to the ordinary process of taxation, it is the clear duty of the Government to make a beginning with measures of a kind which will assist in relieving the pressure of the enhanced volume of purchasing power on the inevitably limited supplies of goods and services which are available for private consumption at the present time. It is in the light of this broad conclusion that the Budget proposals have been framed. I will only add that in judging the efficacy of the initial steps we are now taking, account must be taken of secondary as well as of primary factors. It must be borne in mind throughout that when a certain amount of purchasing power is withdrawn from the public, the total volume of spending affected is greater than the initial sum withdrawn, since those to whom the original spenders would normally have transferred purchasing power, will now also be deprived of the opportunity of spending, and so on in a widening circle.

43 With these preliminary observations I now proceed to explain our proposals in the sphere of direct taxation. I will deal in the first place with the provisions relating to incomes of from Rs 1,000 to Rs 2,000. These are in the first instance made liable to tax at six pies in the rupee on the excess over the first Rs 750 of total income. This liability can, however, be completely discharged and no tax will be leviable if the assessee exercises the option of depositing a prescribed sum in a Savings Bank Account. The prescribed amount is Re 1 for every Rs 25 by which his total income exceeds Rs 750, and is, therefore, approximately  $1\frac{1}{4}$  times the amount of tax to which he would otherwise be liable. Thus, on an income of Rs 1,250 the tax would be Rs 15 10 0 and the optional savings bank deposit would be Rs 20. The corresponding figures for an income of Rs 1,750 are tax Rs 31 4 0 optional savings bank deposit Rs 40. It is intended that these amounts should be deposited in the Post Office Defence Savings Bank from which sums cannot ordinarily be withdrawn till one year after the end of the war and on which interest is payable at the rate of  $2\frac{1}{4}$  per cent per annum. It will be seen that this is in its essence a scheme of saving rather than of taxation, and it appears to us the most suitable way in which the problem which I outlined above can be tackled in the case of those persons whose incomes fall below the minimum, which has hitherto been liable to income-tax.

44 The next feature of our proposals relates to the central surcharge on incomes exceeding Rs 2,000. We have hitherto proceeded by the application of a flat percentage surcharge on the basic rate of income-tax and super-tax throughout the whole range of income. The limitations

[ Sir Jeremy Raisman ]

of this procedure will be apparent when it is remembered that the basic tax progresses from three quarters of an anna in the rupee at one end to nine and a half annas in the rupee at the other. The scope for feasible enhancement of the latter rate of tax in a time of national emergency is clearly much more restricted in terms of a flat percentage than the increases which are feasible in the lower reaches of the scale. The basic scales of tax in India have, since 1939, been highly progressive and the rate of progression has been further steepened by the application of the percentage surcharge. The income-tax surcharge which has been proposed in the Finance Bill runs from six pies in the rupee on the slab of taxable income between Rs 1,500 and Rs 5,000, to nine pies in the rupee on the next Rs 5,000, 1 anna and 2 pies in the rupee on the next Rs 5,000, and 1 anna and 3 pies in the rupee on the balance of total income. The last named surcharge is, of course, equivalent to a 50 per cent surcharge. Similarly, the surcharge on the rates of super-tax are equivalent to a 50 per cent surcharge and at the same time Corporation tax is raised to  $1\frac{1}{2}$  annas in the rupee. While for the reasons I have explained the rates of surcharge on the first slabs of taxable income are somewhat higher than 50 per cent there is a provision which mitigates their incidence in the case of incomes not exceeding Rs 6,000. By this provision a portion of the tax equal to a half per cent of the assessee's total income will be funded for his benefit and repaid to him after the end of the war. In order that the House may more easily understand the incidence of the taxes that will now be levied on incomes throughout the scale I have included in the Explanatory Memorandum on the Budget a table showing the percentage of his total income which the assessee will be required to contribute. It will be seen that that incidence proceeds in a fairly even progression from less than two per cent at one end of the scale to 85 per cent at the other end of the scale on an income of 30 lakhs a year.

45 As regards the Excess Profits Tax, it is proposed to retain the existing rate of 66  $\frac{2}{3}$  per cent to be levied on the profits of a further period of one year. Here also, however, we have introduced a new feature. We have been impressed with the growing evidence of the extent to which this tax militates at certain stages against the incentive to the most economical and efficient administration of the business affected. We also feel that there is great force in the argument for the supreme importance of building up a reserve for the rehabilitation and re-equipment of national industries after the war. Finally, there is here also a strong case for immobilising, during the period of the war, as much as possible of the excess profits earned and preventing postponable private expenditure from exerting an undesirable influence on the price level. To assist in securing these objects we are prepared to contribute an amount up to but not exceeding 1/10th of the net excess profits tax ultimately paid at the rate of 66  $\frac{2}{3}$  per cent, provided that the assessee deposits a sum equal to double this amount. The contribution thus placed in reserve by the assessee will be repayable within 12 months of the end of the war and will in the meantime earn simple interest at the rate of two per cent per annum. The portion contributed by the Government will also be paid out after the war at such time and subject to such conditions as may hereafter be determined. Advice on the formulation of these conditions will be sought from the Post War Reconstruction

Committee The Government contribution will, together with the interest on the assessee's deposit, be a taxable receipt of the year in which it is repaid

This completes our proposals for direct taxation The net addition to revenue, excluding repayable deposits and refundable elements which are to be treated as borrowings, is estimated at Rs 530 lakhs

46 I turn now to the sphere of indirect taxation Here our main proposal is to levy during the forthcoming financial year an emergency surcharge over the whole field of customs import duties equal to one-fifth of those duties The only exceptions will be the duty on raw cotton, which has just been enhanced for a special purpose, and the duty on motor spirit, the excise on which will be increased by three annas a gallon with a resultant automatic increase of a like amount in the import duty There are also a few unimportant imports from Burma on which, by the operation of the trade agreement concluded with that country last year, no increase is permissible The duty on imported salt will also continue at the same rate as that at present levied on indigenous salt The excise duties on kerosene and on silver will be equated to the import duties now leviable These proposals will, by virtue of a declaration under the Provisional Collection of Taxes Act, come into effect at once

47 The levy of an overall surcharge on the schedule of import tariffs, comprising all revenue and protective duties, is a measure which in normal times is fraught with the most serious disadvantages, not the least of which is that it tends to defeat the very object, namely, increase of revenue, which it seeks to achieve I have had sufficient experience of the operation of this factor to be in no danger of underestimating its effect But at the present time, when our import trade is already subject to a far-reaching scheme of restriction and control, we are satisfied that the additional effect of the proposed increase in duties will not be serious Customs duties have for a long time been the main pillar of the Central revenues of India, and it is exceedingly difficult to repair a heavy shortfall in this form of revenue by resort to any alternative source We estimate the additional revenue from the measures I have just described at Rs 570 lakhs I need hardly say that at the present time estimates of this kind cannot possibly pretend to any high degree of accuracy, and may easily be falsified by the course of world events

48 We propose finally to make certain increases in our posts and telegraphs rates, which are estimated to yield an addition of approximately Rs one crore The main changes are an increase in the ordinary letter rate from  $1\frac{1}{2}$  annas to  $1\frac{1}{4}$  annas, the postcard rate remaining unchanged, and an increase in the minimum rate for an ordinary telegram, which is at present ten annas including the surcharge, to 12 annas The minimum rate for express telegrams will be similarly increased from Rs 1-4-0 to Rs 1-8-0 There will also be increases in telephone rentals and the surcharge on trunk call fees will be raised from 10 per cent to 20 per cent

49 The total additional revenue from all these proposals is estimated at Rs 12 crores leaving a deficit of Rs 35.07 lakhs to be covered by our borrowing programme This would in normal times rightly be regarded as a very formidable addition to the public debt At the present time it must, of course, be viewed against the background of India's war

[Sir Jeremy Raisman]

effort, of the undoubted increase in the national income resulting from the intensive development of India's resources and above all of the tremendous accession of strength which results from the conversion of external to internal debt

From this general picture I consider that all those who entertain far-reaching hopes for the future of this country may draw great comfort and encouragement. It is also my belief that, come what may India will again be seen to possess vast reserves of faith and fortitude, that her people will prove themselves worthy members of that great brotherhood which includes, besides the British Commonwealth of Nations and the mighty American confederation, the undaunted millions of China and of Russia, and that hand in hand with them she will move forward to the victorious dawn of a new world

### THE INDIAN FINANCE BILL

**The Honourable Sir Jeremy Raisman** (Finance Member) Sir, I move for leave to introduce the Indian Finance Bill, 1942.

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That leave be granted to introduce the Indian Finance Bill, 1942"

The motion was adopted

**The Honourable Sir Jeremy Raisman:** Sir, I introduce the Bill

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 4th March, 1942

## LEGISLATIVE ASSEMBLY

*Wednesday, 4th March, 1942*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

### MEMBERS SWORN

Mr John Francis Sheehy, C S I, M L A (Government of India Nominated Official), and

Mr Charles William Ayers, C I E, M L A (Government of India Nominated Official)

### STARRED QUESTIONS AND ANSWERS

#### (a) ORAL ANSWERS

##### RELIEF TO INDIANS OVERSEAS IN WAR THEATRES

107. \***Mr Govind V Deshmukh:** Will the Honourable Member for Indians Overseas please state what arrangements have been made to grant immediate and adequate relief to Indians overseas in different theatres of war in the British Empire and sons of such persons who are studying in India who find themselves stranded for want of funds from their parents?

**The Honourable Mr M S Aney** His Majesty's Government are making endeavours to secure the appointment of a neutral protecting power to look after the interests of British Subjects including Indians in Empire territories over-run by Japan. The Government of India have no reason to believe that, in the remaining areas of the British Empire, the Governments concerned are not affording all possible protection and assistance to Indians resident there. The question of rendering financial assistance to dependants in India of Indians stranded in the war zones is engaging the attention of the Government of India.

**Mr Govind V Deshmukh** Since when this matter has been engaging the attention of the Government, because the question is one of long standing?

**The Honourable Mr. M S Aney:** Since the question has cropped up. As a matter of fact, the question has cropped up only very recently, and not long ago.

**Mr. Muhammad Nauman:** In what form Government have given relief? Is it in the form of distributing money, or is it in the form of giving particular protection from the air raids? What is the form in which Government have taken precautions about the Indians overseas?

**The Honourable Mr M. S. Aney** I have already mentioned that the whole question is engaging the attention of the Government of India, and the form in which the relief is to be given will also be considered.

**Mr Muhammad Nauman.** Nothing practical has come out yet, and it is no use drawing the attention of the Government about that matter.

**The Honourable Mr M. S. Aney** When the decision will be taken, something practical will come out.

**Mr Govind V. Deshmukh.** Will Government expedite their decision in the matter in view of the fact that the complaint was made more than two months ago so far as the Malaysians who are stranded in the Madras Presidency and other places are concerned?

**The Honourable Mr. M. S. Aney** Government will expedite the decision as much as they can.

**Mr Jamnadas M. Mehta.** Are Government aware that on account of war conditions hundreds of Indian children have been deprived even of their school books? Are Government taking any steps to see that they get the necessary shipping soon?

**The Honourable Mr. M. S. Aney.** My friend's question refers to a general complaint. Besides, the question does not relate to my Department.

**Mr Jamnadas M. Mehta.** But the Honourable Member has said that Government are doing all that they can for the Indians everywhere.

**The Honourable Mr. M. S. Aney.** I am concerned only with Indians of a particular type.

**Mr Jamnadas M. Mehta.** Is there no reply to my question?

**The Honourable Mr. M. S. Aney.** That question should be put to another Department. My friend knows whom to address.

#### MALAYANS IN INDIA

108 **Mr Muhammad Ashar Ali.** (a) Will the Honourable Member for Indians Overseas please state the number of Malaysians in India?

(b) How many of them are receiving education in recognised institutions?

(c) Are Government aware that the Malay students cannot get any money from Malay Peninsula?

(d) Are Government considering the giving of some financial relief to such students?

**The Honourable Mr. M. S. Aney:** (a)—(d) This question should have been addressed to the Honourable the Home Member.



## PRICE CONTROL OF SUGAR

109 \*Sardar Sant Singh' (a) Will the Honourable the Commerce Member please state if it is a fact that the basic price of sugar of different grades fixed by the Indian Sugar Syndicate Limited varies between Rs 9-7-8 and Rs 10-8-9 per maund while the sugar is being sold to consumers between Rs 12-4-0 and Rs 13 per maund free on rail factory? If so, do Government propose to control the sugar price at some reasonable limit?

(b) In view of the consumers being made to pay very heavy prices for sugar do Government propose immediately to abolish the quota system for factories?

(c) Do Government propose to purchase sugar for export to United Kingdom or for the use of the Government of India? If so, what prices are likely to be paid by Government? Will the consumers get sugar at the same price?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (a) The matter is under investigation

(b) The Honourable Member is probably referring to the sugar production quotas fixed by the Governments of the United Provinces and Bihar. The desirability or otherwise of abolishing the quotas is for those Governments to decide

(c) The Government always have to make purchases for their own defence services and are also negotiating purchases for export abroad on account of His Majesty's Government. The prices for the latter will be negotiated on a commercial basis but will be less than the internal prices by the amount of the excise duty, which is remitted under the law on exports, and also in the case of purchases from the United Provinces by the amount of the cesses which the Provincial Government has agreed to remit in order to develop this export business

**Dr. Sir Ziauddin Ahmad** Has the Honourable gentleman visualised in his mind what would be the effect on the prices on account of the rise of 20 per cent on the customs duty on sugar?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** Yes, Sir, I have a very vivid visualisation of the position

**Dr. Sir Ziauddin Ahmad** What is the result of this visualisation? By how much would it be raised?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** The result of the visualisation is that the increase on the import duty will virtually not affect the position, but tomorrow, when the Bill on this duty will be taken up, my Honourable friend will have an opportunity of going into this question

## HOUSE VACATION NOTICES TO RESIDENTS OF DELHI WARD NO 14

†110. \*Mr. M. Ghiasuddin: (a) Will the Honourable Member for Education, Health and Lands be pleased to state whether notice under sections

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†Answer to this question laid on the table, the questioner being absent

36 and 38 of the United Provinces Town Improvement Act VIII of 1919, as extended to the Province of Delhi, has been served on the residents of Delhi, Ward No 14?

(b) If so, when will the residents of that Ward will actually be required to vacate their houses?

(c) What compensation will be given to (i) the Zamindars who own the land, (ii) the owner of the house to whom the buildings belong, and (iii) the tenants who live in hired houses of that Ward, and in what form will it be given?

(d) Will the Honourable Member please state whether the residents of Ward No 14 will be given houses constructed by Government under the Poornam Housing Scheme?

(e) What are the conditions under which poor men are given those Government houses?

(f) In what locality do Government propose to house the men of Ward No 14 when they will vacate their houses?

**The Honourable Mr N R Sarker:** (a) Notices under sections 36 and 38 of the United Provinces Town Improvement Act, 1919, as extended to the Province of Delhi, have been served on rate-payers in certain portions of Ward 14

(b) No date can be given at present

(c) The compensation payable to owners of private land and buildings and tenants thereof will be in accordance with the provisions of the Land Acquisition Act, 1894, as amended by the United Provinces Town Improvement Act, 1919, as extended to Delhi. Compensation in the case of lessees of *nazul* land will be determined by the conditions contained in the leases

(d) Persons whose income is not more than Rs 30 a month will be rehoused

(e) The Trust houses are let on monthly rents varying from Rs 1-12-0 for a one-roomed house to Rs 2-12-0 for a three roomed house. Tenants can also enter into a hire-purchase arrangement with the Trust if they so desire

(f) The locality in which poor class families from this scheme will be rehoused has not yet been decided

#### STEPS FOR WORKING BALUCHISTAN SULPHUR MINES AND FOR AVOIDING CONCENTRATION OF FACTORIES

111. **\*Dr Sir Ziauddin Ahmad:** (a) Will the Labour Secretary state the steps the Government of India have taken to work sulphur mines in Baluchistan?

(b) What steps, if any have the Government of India taken to avoid the concentration of factories in a few towns?

**Mr. H. C. Prior:** (a) The Government of India have appointed a special officer under whose supervision certain sulphur mines in Baluchistan are being worked. The work is being carried out departmentally

(b) I would refer the Honourable Member to the answer given to the Honourable Raja Yuvraj Datta Singh's question No 55 on the 18th November 1941, in the Council of State

**Dr. Sir Ziauddin Ahmad:** May I ask whether Government has succeeded in purifying the sulphur

**Mr. H. O. Prior** Not that particular sulphur which is under departmental exploitation

**RESTITUTION OF SEATS TO CERTAIN UNSEATED MEMBERS OF THE CENTRAL LEGISLATIVE ASSEMBLY**

**112. \*Qazi Muhammad Ahmad Kazmi.** In view of the rulings of High Courts that mere giving notice of one's intention to offer *Satyagraha* did not constitute an offence, will the Honourable the Law Member please declare the attitude of Government as regards those Members of this House who were convicted of such an alleged offence, and sentenced to more than one year's imprisonment, and as such had their seats declared vacant and were held to be disqualified to stand for election for a period of five years, in respect of

- (i) restitution to them of their seats in this House, and
- (ii) the removal of the disqualification consequent upon their illegal conviction?

**The Honourable Sir Sultan Ahmed.** The seats of five Members were declared vacant under rule 25 of the Legislative Assembly Electoral Rules by reason of their having become subject to the relevant disability. In respect of one only of these gentlemen—Sardar Jogendra Singh—has any representation reached the Government of India to the effect that he was convicted for a mere announcement of intention to offer *Satyagraha* with the result that subsequent judicial rulings exhibited the conviction as having proceeded on an erroneous view of law.

Assuming the facts on which any of the gentlemen in question were convicted to have been as suggested in the question, the incurring of the disability and the consequential vacating of the seat would be in no way affected, nor would any question of reinstating them in their seats arise.

Under the proviso to sub-rule (2) of rule 5 of the Legislative Assembly Electoral Rules, it is open to the Governor General in Council to remove the relevant disqualification prospectively on application made by the disqualified person. Of the five gentlemen concerned Sardar Jogendra Singh alone has applied for the removal of the disqualification and his disqualification has been removed.

**Qazi Muhammad Ahmad Kazmi.** When the removal is found to be *ipso facto* void on account of an error of law, did Government consider the advisability of continuing the old election?

**The Honourable Sir Sultan Ahmed:** It is not *ipso facto* void.

**SWIMMING CLUB AT THE LOVERS LANE, RIDGE, NEW DELHI**

**113. \*Qazi Muhammad Ahmad Kazmi.** (a) Will the Labour Secretary be pleased to state whether it is a fact that there is a Swimming Club possessing a pool at the Lovers Lane, New Delhi?

(b) Is he aware of the general impression that the said pool was built by men and material supplied free of cost through the Central Public Works Department?

(c) Is he aware that the membership of the said swimming club is strictly confined to Anglo-Indians?

(d) Is it a fact that the swimming pool in the Viceroy's House is made available in the hot weather for the use of European officials and members of the Gymkhana Club?

(e) With these amenities already in existence for Europeans and Anglo-Indians, is he prepared to consider the desirability of providing a swimming pool for the Indian employees of the Government of India in New Delhi?

**Mr. H. O. Prior:** (a) Yes

(b) The present club building was originally the Caietaker's quarter adjacent to the scum tanks on the Ridge. The abandoned quarter and the abandoned scum tank were leased to the 'Ridge Club' in 1928 at a rental of Rs 8 per month and Re 1 per month, respectively, under the orders of the Chief Commissioner, Delhi. The former was converted into a club room and the latter into a swimming pool from the finances of the club.

(c) }  
(d) } No  
(e) }

#### FEES TO ARCHITECTS FOR DESIGNING BUNGALOWS AND QUARTERS IN NEW DELHI

114. **\*Qāsi Muhammad Ahmad Kāzmi** (a) Will the Labour Secretary be pleased to state what sums as fixed monthly emoluments or fees or both, have so far been paid to the architects for designing the various bungalows and quarters in New Delhi, type by type?

(b) Are these fees or royalties still being paid yearly to the architects who are no longer in Government service for each type of bungalow or quarter constructed during the year according to their original design?

(c) How long will these royalties continue to be paid?

(d) What amount is being paid by way of such royalties every year?

(e) Will Government indicate in brief the terms of agreement entered into with these architects?

**Mr. H. O. Prior** (a) The various bungalows and quarters in New Delhi were designed by Architects who were whole-time Government servants, and not engaged solely for this work. They were paid monthly salaries in accordance with the time-scale applicable to this class of employees from time to time, and no fees or royalties have been paid to them in addition. The Government of India do not propose to collect the information regarding the amount of salary paid to Architects during their service as it would not justify the labour involved.

(b), (c) and (d) Do not arise in view of (a) above.

(e) As stated in (a) above, the Architects were in whole-time Government service, although formal agreements were executed with them. The terms of these agreements were, however, the usual terms applicable to Government servants generally.

### STOPPAGE OF IRRIGATION WATER SUPPLY TO CERTAIN VILLAGES IN DELHI PROVINCE

115. \*Qazi Muhammad Ahmad Kazmi. (a) Will the Labour Secretary be pleased to state if he is aware that the villages Wazirpur, Azadpur and Mangolpur (Delhi Province) no longer get canal water supply for irrigation purposes?

(b) If so, when was this supply stopped?

(c) Is it a rule that canal water supply is not available for gardens?

(d) How much area is under gardens and how much under agriculture in the said villages?

(e) If canal water is not available for gardens, why is it denied to agricultural lands in the said villages?

Mr. H. C. Prior (a) The villages in question continue to receive irrigation water as previously

(b) Does not arise

(c) According to the local rules, canal water is available for sanctioned gardens only

(d) A statement giving the required information is laid on the table of the House

(e) Does not arise

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*Statement showing the Area under Gardens and Agriculture in the Wazirpur, Azadpur and Mangolpur villages in the Delhi Province*

Name of village	Area under gardens Acres	Area under agriculture Acres
Wazirpur	66	616
Azadpur	33	286
Mangolpur Khurd		518
Mangolpur Kalan		949

### INTERVIEW OF GIRL CANDIDATES WITH DELHI UNIVERSITY AUTHORITIES

116. \*Qazi Muhammad Ahmad Kazmi. (a) Will the Honourable Member for Education, Health and Lands be pleased to state if his attention has been drawn to a letter to the editor by Mr C N Zutshi, Professor of English, which appeared in the *Hindustan Times*, dated the 16th January, 1942, under the caption "Delhi University and Girl Candidates"?

(b) Is it a fact that girl candidates sending their previous permission forms are asked to attend the University office for an interview with the Delhi University authorities?

(c) Is he prepared to use his good influence with the University to remove all such difficulties in the way of the girls? If not, why not?

The Honourable Mr. N. R. Sarker: (a) Yes

(b) Non-collegiate women candidates were asked by the Delhi University in January last to present themselves before a small committee presided over by the University Proctor and containing one woman member. The Committee met not in the University building but at a more central site in Darvaganj.

(c) No difficulty was placed in the way of the candidates and every consideration was shown to them. It was found necessary to interview the candidates in order to facilitate consideration of their applications and verify whether they had fulfilled all the prescribed conditions. The question of modifying the regulations and procedure, so as to obviate the need for interviews, is under the consideration of the University authorities.

**Mr President** (The Honourable Sir Abdur Rahim) The answer to question No 117 will be laid on the table as the Honourable Member, Qazi Muhammad Ahmad Kazmi, has exhausted his quota of questions.

#### STEPS FOR PREVENTING WHEAT FAMINE IN DELHI

†117 **\*Qazi Muhammad Ahmad Kazmi.** (a) Will the Honourable the Commerce Member be pleased to state if his attention has been drawn to a letter to the editor by Rai Sahib Lala Rang Behari Lal which appeared in the *Hindustan Times*, dated the 16th January, 1942, under the caption "Wheat famine in Delhi"?

(b) What steps is he taking to see that the man in the street is able to secure food-stuffs of the right sort at rates fixed by Government?

(c) What steps are being taken to prevent a wheat famine in Delhi?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudalliar** (a) Yes

(b) and (c) The Government of India have so far fixed the maximum price for only one of the foodstuffs, namely wheat, and the Wheat Commissioner for India is taking all practical measures to ensure a reasonable supply of wheat to the public in all consuming areas, including Delhi, at rates fixed by Government. As regards the question of securing a satisfactory distribution of foodstuffs in general, the Provincial Governments have already been given certain powers under the Defence of India Act, while the Government of India have under active consideration the setting up of regional committees to deal with the problem of distribution of essential commodities including foodstuffs. The whole subject is continually under review in the Central Government.

#### MOTION FOR ADJOURNMENT

##### DIFFERENTIAL TREATMENT TOWARDS INDIAN POPULATION OF MALAYA DURING EVACUATION

**Mr President** (The Honourable Sir Abdur Rahim) I have received notice of a motion for adjournment of the business of the House from Qazi Muhammad Ahmad Kazmi. He wishes to discuss a definite matter of urgent public importance, viz., the statement of Mr Mallal regarding the conduct of the Governor of Malaya towards Indian population and the complaint regarding evacuation according to which "the whole white administration of Penang evacuated, while not a single Asiatic was allowed to leave by those boats except one Asiatic official—not even women

†Answer to this question laid on the table, the questioner having exhausted his quota.

and children, etc., as reported in the *Hindustan Times*, dated the 28th February, 1942, page 4." I want to know what this "etc" means

**Qazi Muhammad Ahmad Kasmi** (Meerut Division, Muhammadan Itural) "Etc" means other complaints

**Mr President** (The Honourable Sir Abdul Rahim) I shall then omit the "etc" from the motion. I want to know if the Governor of Malaya is under the Government of India.

**Qazi Muhammad Ahmad Kasmi** The Honourable Member for the Overseas Department is responsible to this House for the lives of the Indians Overseas.

**Mr President** (The Honourable Sir Abdul Rahim) I want to know whether the Governor of Malaya is under the Government of India.

**Qazi Muhammad Ahmad Kasmi** That information would be known only to the Government of India, as to what relations they have got. But the question I submit is only regarding the complaints of Indians who were in Malaya as to why they were treated by the authorities differently from the white population.

**Mr President** (The Honourable Sir Abdul Rahim) Is the charge made against the Governor of Malaya?

**Qazi Muhammad Ahmad Kasmi** The complaints against the Governor of Malaya are different from the further complaints against the authorities.

**Mr President** (The Honourable Sir Abdul Rahim) Perhaps the Honourable Member for Overseas Department will explain the position.

**The Honourable Mr M. S. Aney** (Member for Indians Overseas) I want to know whether my Honourable friend wants to discuss the statement of Mr. Mallal or the particular complaint.

**Qazi Muhammad Ahmad Kasmi** I want to know whether the statement is correct. If that be correct then I want to censure the Government of India for that.

**The Honourable Mr M. S. Aney** The question of censure will come later on. I want to be definitely informed whether the Honourable Member wants to discuss the statement of Mr. Mallal which probably goes over a number of points, while the adjournment motion is to be confined only to one specific point. That is one thing. If any specific point is to be selected, what is the point on which my Honourable friend wants to fix now?

**Qazi Muhammad Ahmad Kasmi** I will fix for the present only on two points.

**Mr President** (The Honourable Sir Abdur Rahim) I should like to know whether the Governor of Malaya is under the Government of India.

**The Honourable Mr M S Aney.** Certainly not.

**Qazi Muhammad Ahmad Kazmi.** But the Government of India are responsible for the welfare of Indians Overseas. We want to know from the Overseas Department as to what is being done.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member can only discuss one definite question.

**Qazi Muhammad Ahmad Kazmi.** I would discuss the point of the authorities not allowing Indians to leave by boats and why the white administration left Penang before any other person was allowed to leave.

**The Honourable Mr M S Aney.** I see the point. My objection to this is only this. This is really not a matter of recent occurrence at all. Some days before the fall of Singapore, a statement was reported in the name of the Governor of Malaya in which he expressed regret at some such incident having occurred. This incident must be presumed to be known to all. It was reported in the papers. It is now more than two weeks since this happened, although the matter is being brought to the notice of the House only just now by this motion.

**Mr President** (The Honourable Sir Abdur Rahim) So, this is not an urgent matter.

**Qazi Muhammad Ahmad Kazmi.** So far as the newspapers are concerned, it was only on the 28th February that I saw it in the *Hindustan Times*. Honourable Members of the House are not expected to read all the newspapers that are available to the Government. The only source of information for me was the *Hindustan Times* which published this on the 28th February.

**Mr President** (The Honourable Sir Abdur Rahim) I do not know what newspapers Honourable Members are expected to read. I have only got to see whether the question is an urgent one within the meaning of the Rules, and of recent occurrence. I hold, it is not an urgent matter. Therefore, the motion is disallowed.

## THE GENERAL BUDGET—GENERAL DISCUSSION

### FIRST STAGE.

**Mr President** (The Honourable Sir Abdur Rahim) As regards the general discussion of the Budget, I have got to fix a time limit. As on the last occasion, I fix twenty minutes for the speeches of Honourable Members generally, thirty minutes for Party Leaders, and one hour or more for the Government Members reply.



**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions: Non Muhammadan Rural) Sir, we have to deal with two budgets one of which, namely, the Railway Budget, we have already dealt with and this is the General Budget. There is a very remarkable difference between these two budgets,—one is a surplus budget and the other is a deficit budget. The surplus was a huge surplus and the deficit also is a huge deficit. Of course, during war time, no one can expect a balanced budget and there is bound to be a deficit budget. The whole question, therefore, is not whether it should be a deficit budget but what ought to be the amount of that deficit? On that point we feel very much handicapped because there are no materials before us to show whether or not this amount of 47 crores is the real deficit. I shall take up only one item in order to explain my point.

So far as the defence expenditure is concerned, the third item is, India's war measures—81 crores. As regards the details of these 81 crores all that we know is this. One item is,—Certain measures of military defence. The second item is,—Certain measures connected with Defence, and that is about ten crores. The third item is,—Measures connected with local naval defence,—about five crores. We do not know anything more than this. Whether it is in the interest of the public that detailed figures should not be given is another question. But my point is that this gives us absolutely no information as regards the amount that is sought to be raised. There is only one thing that is somewhat clear, namely, sub-head 'K'—Plant and Machinery for Manufacture,—that is 40 crores. That is a definite item. Here again only the lump total amount is given. Therefore, we feel that we are really asked to sign a blank cheque. Because there is war and there must be a deficit it does not follow that the amount should be any amount. Here it is 82 crores for war measures chargeable to Indian revenues. If it were three times that amount we would be equally in the dark.

Now let us proceed on the assumption that it is really necessary to make up a deficit of 47 crores. The question is how that amount should be raised. The Honourable the Finance Member proposes to raise 12 crores by taxation and 35 crores by borrowing. These are the only two ways and means which have occurred to him and no other. Even the man in the street cries why there should not be an economy drive in this abnormal position and why there should not be a salary cut. Why no sacrifice by those who enjoy fabulous and princely incomes? We preach from the house-tops that there should be sacrifice made by everybody, but why should not sacrifice like charity begin at home?—It has been said in a very responsible quarter that dog-racing and boxing displays are not in accord with war efforts.

**The Honourable Sir Jeremy Raisman** (Finance Member) I have not provided for them.

**Mr. Akhil Chandra Datta** I know that, but my complaint is that there is no change at all in the expenditure of the Government of India in the matter of dinners and cocktail parties and things of that kind.

**The Honourable Sir Jeremy Raisman**: I am prepared to cut out all the expenditure provided for these objects.

**Mr. Akhil Chandra Datta.** Why should there be these things at all in this time of war? Why are you having new buildings,—for instance, at Simla? Is this the time to have new buildings? We have got palatial buildings both at Delhi and Simla, and why not partition them? One Member enjoys one house, why should not two Members occupy one house? The principle has been inculcated in the budget speech itself that ordinary expenditure should be restricted to the minimum. Has this been done? It is a good principle, but only preached and not translated into action. Civil expenditure has been increased by ten crores. It may be said that it is caused by war conditions. That is partially true, but it is significant that no attempt has been made towards economy. The civil portion of the budget has also a war outlook.

The second question is whether, apart from the amount of deficit, the money that is spent is well spent and we are getting full value for that money. My Honourable friend, Sir Cowasji Jehangir, is not here now, but he happens to be the prince of moderates in India, and even he of all people put this question in the last Session. He has very serious doubts as to whether the money is well spent and whether there is not awful extravagance and he wanted an assurance that the money is well spent. I may be excused for saying that the popular opinion in the country is that more than 50 per cent of the money that is spent in war services goes into the pockets of middlemen and brokers, if not also into the pockets of people in positions of trust and responsibility. Then there is another reason why we complain and that is, what is the tangible result of the expenditure of this huge amount? We have to judge it by the results achieved. The universal complaint is that the result is almost invisible. I want to ask one question. Is it not a fact that a number of valuable projects for production of munitions and weapons, etc., were recommended by the Roger Commission but were turned down on the ground that these things can be produced in other countries outside India? No doubt, about twenty projects recommended by the Roger Commission have been approved, but about these 20 projects this is what we find in the budget speech.

These projects involve the establishment of new factories and the expansion of old ones for the production in India of weapons, ammunition, steel, and other stores in urgent demand for war purposes, and should before long add materially to India's capacity for the production of munitions", etc.

I do not know when that time will come and whether at that time there will remain any necessity for the production of these munitions. We are still thinking of producing those things 'before long'. Well no comment is necessary on that. The whole country, the whole press, including Anglo-Indian Press, is of the opinion that even now there is no evidence of any substantial preparations, not even for the local defence of India. All the Government activities are shrouded in a veil of official secrecy.

So far as these budget proposals are concerned, the whole scheme is based upon a certain new theory propounded by the Honourable the Finance Member. That theory is he assumes that the national income has increased on account of industrial development. He starts with that proposition and then he advises this "Don't spend but save. Save for what purpose? Save to put into Defence Loans. He has got no other advice to give to the people of India as to what use should be made of

this increased fund. He has no recommendations to make for the utilization of that money in long term industrial developments. He has no advice to give on that point. He is a protagonist of national savings campaign. Sir, if all this saving is required in order to finance war effort and as a part of the plan of war effort, I can understand it and appreciate it. War has got to be financed. We require money and it is always legitimate to ask people to save money for war purposes. But, Sir, he goes further. He says that all the money that there is now in India—increased purchasing power—should be utilized only for financing war efforts and for putting it in Defence Loans. He says

"The whole of that purchasing power cannot possibly be utilized in a satisfactory and wholesome manner at the present time."

I may be uncharitable, Sir, but my interpretation is this that it is still the old anti industrialization policy which is working in their minds. The attitude of the Government with respect to how that spare money should be used is very hostile to our industries.

Now, Sir, that leads us to the question of industrial development in war time. The Honourable the Finance Member speaks in a tone of boast "that there has been a really striking achievement of Indian industry. He has used the word really. My submission is that there is no foundation for this extravagant claim, because Government have not given any planned support to Indian industry even during these times. Now, let us take defence industries first—Aircraft, Automobile, Shipbuilding, Munitions, etc.

As regards Aircraft, Sir, we know what are their achievements. I shall read only one sentence from the Budget speech.

"Finally, the scheme for the assembly and manufacture of aeroplanes in India has made good progress."

In the very next sentence he describes what that progress is.

"It is confidently hoped that the factory will complete its programme of fighter and bomber construction before the end of the present calendar year."

That is to say, before the end of the year 1942 the factory will complete its programme of fighter and bomber construction. We do not know what that programme is, but this much we are told here that he hopes that that programme will be finished before the end of the year. I do not know where we shall be at the end of the year. Here I should like to tell one thing, Sir. People are being accused of being Fifth Columnists. What is this that the Government are doing telling our enemies that so far as aeroplanes are concerned, we have not done anything—"We confidently hope that some thing will be done before the end of the calendar year."

As regards Automobile, we know the whole history how the Government thwarted the efforts of those concerned and opposed all manner of attempts which have recently been made to have an automobile industry in this country. I have no time to deal with this subject in detail. Here is a small book by Sir M. Visvesvaraya. After publishing the whole correspondence between the Government and the promoters of automobile industry in India, he says

"The correspondence vividly brings to light the fact that the Government of India though expressing sympathy with the cause have never taken a single step to

[ Mr Akhil Chandra Datta ]

promote it, have never made a single proposal of a constructive character, never suggested that any alternative proposals or modifications in the proposals placed before them might induce them to view the case favourably. Neither have they shown, in the whole course of these negotiations in spite of repeated requests, any inclination to have a frank and open discussion with the promoters. They have created and reiterated every difficulty that they could think of."

He has said in another paragraph

Their first reason was that the proposal went against an old Government order on the Report of the Fiscal Commission of 1921-22, then next objection was that the scheme did not help war effort. Then they have been apprehending all manner of difficulties, that the skilled labour required for military works might be diverted, that shipping facilities for importing machinery and tools might not be available, that difficulties might be experienced in granting priority certificates and providing the necessary dollar exchange."

and so on

One after another all manner of difficulties have been created so far as automobile industry is concerned

So far as shipbuilding is concerned, that industry has been crushed by them, and as regards new enterprises for shipbuilding, we know the whole unfortunate story of how the Government has opposed throughout all attempts made by Indians for shipbuilding in India

These are the really striking achievements in the industrial field. That is about defence industry

As regards the heavy industries—about locomotives we know the story and it is no use repeating it. The same is the case with industrial machinery, machine tools, heavy chemicals and so on. When he speaks of striking achievements in India's industrial plan, I want to know what are those industries which the Government has built up during these two or three years. Even with regard to defence industries, although some progress has been made—which I admit—even that has been done and compelled by the pressure of events

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member has only one minute more

**Mr. Akhil Chandra Datta** All right, Sir, if I have got only one minute more, I shall only refer to the concluding portion of the Honourable Member's speech, where he says that Indians should prove worthy of the great task and that hand in hand with America, China and Russia we shall move forward to the victorious dawn of a new world. Noble words are these, but hollow and empty words will not do. Something more is necessary to create enthusiasm in the people with regard to war efforts. What that thing is we know and they know only they are not prepared for it yet. God save them and God save India

**Sir Henry Richardson** (Nominated Non-Official) Sir, the principal and over-riding question which must be considered when examining this Budget is "Does it help the war?" That is what vitally affects everyone of us, whether he be rich or poor, and just as people nowadays are asking whether our defences are strong enough and whether this, that and the other thing could or should not have been done, so we must ask ourselves the question "Is the budget whole-hearted?" Is it wise or unwise to try

and raise only 12 crores leaving a deficit of 35 crores uncovered. Honourable Members doubtless remember the strong criticisms which the earlier war budgets of His Majesty's Government brought forth and how they were described as being weak and half-hearted war efforts. It may be argued that India's strong position justifies a more courageous attempt to bridge the wide gap between revenue and expenditure, that India's heavy commitments in the future and the uncertain outlook regarding the realisation of the present estimates are factors which should be faced now. The Honourable Member himself describes Customs Duties as the main pillar of the Central revenues of India, and we all know how difficult it may be in the circumstances as we see them today for these duties to be realised. These are important questions which must present themselves to the minds of all serious thinkers. The Honourable Member has reminded us that it will be exceedingly difficult to make up any heavy short fall in Customs duties from alternative sources. With these problems facing us the reassuring words which the Honourable Member used at the close of his Budget speech are indeed most welcome, and the comfort and encouragement which he considers may be drawn from the general picture are, indeed, heartening at such a time.

He referred to two strong points, *viz.*, the undoubted increase in the National income and the tremendous accession of strength which results from the conversion of external to internal debt. For the last named bulwark we have to thank the foresight and courage of the Honourable Member and his predecessor and we, in this Group, pay our tribute to him for taking advantage of the situation to release India from this handicap. The other strong point presupposes that additional revenue will be derived from the increase in national income. Time alone will show whether this is right or not, but we must remember the great effect of war time financial policy upon economic developments in the post-war period. I am sure the Finance Member has this important question well in mind and in leaving such a large portion of the deficit to be covered by borrowing he is undoubtedly thinking not only of the present but of the future—in more ways than one!

I turn now to the direct taxation proposals. The increased surcharges on income tax and super tax will be supported and borne by my community with the readiness and determination which have been displayed by all classes in England. We here may be said to be still lucky in comparison with home rates, since in many cases the incidence in this country is more favourable. There is, however, the question of certain allowances made in England and which do not exist in this country and for this reason it happens that the incidence of taxation to some extent falls inequivalently on a man with a family. If there is any increase in income-tax, in future, this is a point which should be borne in mind in fixing the rates. We are grateful to the Honourable Member for preparing and publishing in the explanatory memorandum the very interesting statement showing the incidence of taxation,—despite the fact that this was on the last page of the Memorandum thereby illustrating the point perhaps, that the sting was in the tail! The even progression of the percentage on the varying incomes may not be agreeable to all and, undoubtedly, there will be hard cases despite the justification which is undeniably on paper. The Honourable Member recently had an opportunity of defending his Department against an attack on a somewhat large scale.

[Sir Henry Richardson]

Although we in this Group did not agree with all the grounds of this attack I take this opportunity of joining with those whose object was to impress on the Department the necessity for an attitude of reasonableness and assistance in deserving cases such as is found with the home authorities, in place of the unhelpful attitude which is, unfortunately more often displayed by those in authority in this country. The higher the taxation the more need will there be not only for care on the part of officials to ensure Government receiving its due revenue, but it also carries with it increased responsibility for some measure of sweet reasonableness in, as I have said, deserving cases. I hope the Finance Member will do everything he can towards imbuing his responsible officials with this idea and that their decisions must not necessarily be primarily based on revenue considerations.

The optional Savings Bank deposit system which has been introduced in this Budget is a novel feature and one which all those who have the welfare of their labour at heart should welcome and support. Most of us have had experience of the bad effects which borrowings from money-lenders and other sources have had on our workers, and, therefore, apart altogether from the desirability of assisting price control by preventing the increased purchasing power being utilised until a later date it is a praiseworthy attempt on the part of Government to encourage the habit of saving. I would like to suggest that it would assist employees if their optional savings could be deposited monthly just the same as their tax would be deducted each month. I would also like to suggest, if it is possible, that Government should make some proviso whereby these deposits could be protected against being mortgaged or otherwise disposed of in advance of receipt, and this recommendation also applies to the funding proposals for the benefit of assesses whose annual income does not exceed Rs. 6,000.

The Honourable Member has stressed the fact that his proposals have been framed by reason of the conclusions reached, that the time has come when it is Government's duty to adopt measures with the object of relieving the difficulties and the danger of inflation arising from the fact that people who have earned their incomes and have been paid a reasonable wage might not be able to buy because goods were not available. This is a new form of price control and time alone will show how far the measures now to be adopted will prove successful, and whether the extension of the principle should be applied to higher incomes. The effect of the proposals will require careful watching in these respects.

Before passing, I wish for a moment to refer to the National Savings campaign. In his Budget speech the Honourable the Finance Member mentioned a conference of representatives from Provinces and Indian States which was held in January to survey progress and consider further measures. We regard this matter as of paramount importance and would be grateful if the Honourable Member can tell us what conclusions were reached by the Conference and whether increased loan propaganda of a more intensive type is under consideration. We are under the impression that the present organisation in this respect is entirely inadequate. We understand that the Establishment Officer of Government is expected to devote a few spare hours to the subject during his visits to Provinces where he has no one working under his control. This is a matter on which we would welcome more information.

Coming to taxation on Companies, the increase in the Corporation tax is, of course, in line with the other increases. In regard, however, to the novel feature which has been introduced in the case of the Excess Profits Tax, not every Company earning excess profits will find itself in a position to accept the scheme of contributing a portion of these excess profits on the understanding that Government will, after the war, refund a certain portion of the tax already paid by such Company. It must necessarily be a matter for decision by each individual concern, and there may be a good deal of heart-burning when it comes to deciding whether on grounds of public interest shareholders would approve of the investment of funds at two per cent which might possibly otherwise earn a higher rate. The repayment by the Central Government of a portion of the tax is to be subject to such conditions as the Central Government may hereafter determine and the post-war reconstruction committee are to give advice on the formulation of these conditions. It may of course, be very properly argued by Government that their agreement to forego a part of this taxation justifies their laying down certain conditions but until these are disclosed I think the Honourable Member will agree that there might be, not unnaturally, a considerable hesitancy on the part of Companies to involve themselves in what, after all, is more or less a gamble. Not only is the period of the war uncertain, during which time the Company's contribution will be frozen, but the conditions under which the Government's contribution will be repaid are unknown. It is not quite clear to me what considerations the Post-War Reconstruction Committee will be expected to bear in mind in this matter. I agree with the statement that the formulation of the long-term trade and industrial policies is properly a matter for Government as a whole but I do not see how it is possible for any Company to come to a decision which may affect very considerable sums, without their being in possession of the details of these conditions and I would ask the Honourable the Finance Member to state when he expects such conditions to be announced and would urge on him the necessity for expediting this matter in order that the success of his proposals may not be jeopardised.

Another point is in connection with the statement that Government's contribution will be a taxable receipt of the year in which it has been paid. No one knows how long this payment may be delayed, nor what the level of taxation will be at that time, and these uncertainties may, I fear, combine to nullify to a large extent the objects which the Honourable Member has in mind. Would it not be possible for him to say here and now that the rates of taxation which will be levied on the Government contribution, when it is paid over, will not be higher than those contained in the Budget now before us?

The proposals for indirect taxation have our support and we feel that any criticism regarding the increase in the ordinary letter rate from  $1\frac{1}{2}$  to  $1\frac{3}{4}$  annas is met by the fact that the Honourable Member has left the postcard rate unchanged.

Finally, Sir, I cannot conclude without some reference to the Defence Services and especially to the enormous amount of over 400 crores which the Finance Member mentioned it was expected would be recovered from His Majesty's Government during 1942-43, and this is in addition to the 200 crores contributed by His Majesty's Government last year. I believe that the British Government is spending over 12 crores a day on

[Sir Henry Richardson]

the war effort, whilst India's defence expenditure amounts to 40 lacs per day. Even allowing for the difference in the national incomes of the two countries, India is indeed fortunate in the relief of that portion of the expenditure for which Great Britain is liable. When we think of the war in terms of these colossal sums there is no doubt that taxation in this country has been comparatively moderate, and even allowing for all the political and psychological factors I join with the Honourable the Finance Member in his concluding thoughts that whatever may come, India will prove she still possesses that spirit and courage which is traditionally hers. But to achieve this, unity is absolutely essential. Let us all then—Indians, Anglo-Indians, and Europeans—go forward together, hand in hand, standing shoulder to shoulder, come what may, fighting with all our courage and resources to withstand the aggression which faces us, in order that we may preserve the freedom and integrity of this great country.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non Official) Sir, I

12 Noon feel sure that the Honourable the Finance Member has earned our deep appreciation and gratitude for the skilful way in which he has managed the finances of this country, faced as he is with such a terrible daily increasing burden. It is a difficult thing to find funds for our defences being as they are today four times greater than the normal budget. But even so, our financial responsibilities are nowhere near those of other nations with whom, at the termination of the present crisis, we, in India, hope to share and take an equal part.

Having said that much, let me pass on to a few observations of a general character before I come on to specific matters. To the casual observer it seems that the Honourable the Finance Member, in the various ways and means he has suggested in his speech, has, to my mind, not explored fresh avenues of income. I would call the directions which he has followed, more "administrative" than "commercial", but, the Finance Member, steeped as he must be in administrative service—it seems to me that he has narrowed his perimeter and confined the sources of revenue to that much attacked Post and Telegraph Service, Income-tax, Surcharges, Super-Charge and the Excess Profits Tax, not to forget petrol. These measures of taxation should be shared by both rich and poor. To my mind, his direct taxation will seriously affect the middleman. But the Honourable Member, like his predecessors, seems to be afraid of imposing any unpopular taxes. He has, on the contrary, advised borrowing. I think that is a very necessary and very wise means, but might I, as a layman, advise the Honourable Member to issue these loans on long terms—30 to 50 years—and for the very sound reason at which my Honourable friend, Sir Henry Richardson, hinted, i.e., "for other reasons"? We, in this generation, would have to bear the brunt of these loans while the future generations would receive the benefit. They, in their turn, should also be made to pay.

I wonder why the Honourable the Finance Member has turned his blind eye towards such sources of revenue as luxuries, tobacco—I am not a smoker today, I was—liquor, sugar, silks, etc.? I did once in this House say "If every Bania in India was made to disgorge or disclose his true financial position and to pay all his income-tax there would never be a deficit budget presented to this House." There is more than a



vener of truth in that. The facts in support of this are that Banias and others lend money at six to nine per cent, but above this, they take what is colloquially called "pugree" or "turban", that is the amount of income-tax they have to pay, and this is credited in their books. But there is one point that I was rather surprised the Honourable Member had omitted, and which I would ask him to consider. I ask, why has he failed to impose death duties? This is a source of great revenue in England.

(Interruption.) Please keep quiet and let me have my say. Your time will come. So please don't interrupt me. This is a source of great revenue in other countries, but India seems to be free from it. Why should wealthy men enjoy the wealth that they obtain from the public and leave it after death to a profligate son or any other to spend? Why is he not called upon to pay certain death duties? I commend this to the serious consideration of the Finance Member. Death duties expose the wealth of a man. It is subject to court valuation and so enable a correct death duty. I want to know why does Government fear unpopular taxation? Direct measures of taxation of those in receipt of incomes between 1,000 and 2,000 are certainly very encouraging as the previous speaker said. I am glad to welcome it and speaking as a member of my community it is a measure which will certainly encourage thrift. I, therefore, endorse all that Sir Henry Richardson has said on this matter. It is said that "God helps those who help themselves," and I was tempted in a moment of lighter thought to make a statement which, in political language, would read something like this

"He reared his crores  
Yet never lacked his lakhs  
He advised a thrift,  
To secure a lift  
Both sure and swift,  
But after the war"

Which means that these benefits are to be obtained only after the war. But I do think this encouragement of thrift is one of the most gladdening features of the Finance Member's measures of direct taxation. Let me, however, warn him—may be it is not necessary to give him this warning—the enemy is at our very doors, and the Honourable Member has not taken from India the sacrifices which other nations have done gladly. His entire effort on this point seemed an apology for his demands and not a forceful clarion call to the people of India to help Government win the war. I have the greatest respect for the Honourable the Finance Member and I have no desire to cross swords with him on financial intricacies. But I feel that he has not correctly estimated the tone and the spirit of the people of India. I do feel I am right when I say that both poor and rich are prepared to do equally as the other nations have done in sharing the burdens of this war.

I was pleased to note that His Majesty's Government had completed the examinations of the schemes recommended by the Roger Commission and approved of 20 new projects to the value of about 12 crores, but I do not know if the Finance Member clearly indicated in what directions the factories are to be established as his speech more or less stressed the manufacture of munitions. And, here, I join with my Honourable friend, Sir Henry Richardson, in offering my grateful thanks and appreciation of the wonderful defence works which are being done in India today. But

[Sir Henry Gidney]

it strikes me that the fact that these projects are being financed by His Majesty's Government, partly discounts their character as a means of post-war industrial development. Other countries use the war effort as a means to expand their industrial capacity and to encourage private effort to establish factories. This is the spirit that should be fostered during the war and Government should help it. Today greater than ever is this necessary because England, when it accepted her responsibilities as per the Roger Mission never expected the Pacific route to be endangered as it is today, nor did it expect that the supplies from the Far East and the United States will be so unsafe to be brought here. The Japanese treacherous attack on Hawaiian Islands, the Pearl Harbour, Malaya and Singapore—and Burma is almost in their grasp—has foiled the plan of the British Government as they intended arms to be sent from America to India. While I am glad to hear the news that India and Australia are to receive planes and other war material from the United States, it must not be forgotten that, though planes can be flown, guns will have to be brought on steamers, and with the Indian and Pacific Oceans more or less mastered by Japan, as far as we know the task of transporting planes, tanks, etc., to India is rendered extremely difficult. But it strikes me that if within a few years—(I think it was in 1935 that the movement was started)—Australia has been able to receive exports and blue prints from abroad, so that today she is the arsenal of that part of the world, why not India? This is the question which has puzzled me for a long while.

I was glad to hear in today's radio news that an American Industrial Mission is visiting India. These missions seem to be flying about from country to country and we should like to know what good work they are going to do or can do in the present circumstances with our sea routes in such danger. If India cannot start her industries on a large scale of armaments, surely she can and should start them on a smaller scale so that all our men may be properly equipped to meet the coming onslaught from Japan. It is no good depending on outside resources just now. We must depend on ourselves. Remember it is never too late to make a start. I believe that war time is the best time for the encouragement of industries especially as India is situated today practically cut off from all armament supplies. I am afraid the Finance Member's proposals show rather a lack of these points, except that His Majesty's Government have accepted 12 crores for the Roger Mission recommendations. None can deny that the Far Eastern situation is today in a very different condition which, as I have already said, was not anticipated either by the Roger Mission or by His Majesty's Government, for what do we see today? Except one assembling and repair factory, there is no other attempt of expanding production of heavy arms, planes in India. The very future of India, nay its very life, depends on this. As a member of the Commonwealth of Nations, it demands an immediate effort. It was during last Session that the Commerce Member asked for ten lakhs for research purposes. Sir S. S. Bhatnagar and his fellow scientists are working as well as they can, but it seems that the Finance Member offers no help to them to improve Indian industries. Therefore, these ten lakhs do not seem to be of much use to us. If we wish to use the labour of these research workers we must use them as a means to an end, i.e., entirely

in the industrial development of the country I have read Sir S S Bhatnagar's article in the *Statesman* outlying many discoveries but none seems to be acted on as far as I know

**The Honourable Sir Jeremy Raisman** I am afraid the Honourable Member does not know very far

**Lieut.-Colonel Sir Henry Gidney** I know as far as you let me know from your budget

**The Honourable Sir Jeremy Raisman** But that is not the place in which such matters are set out at length

**Lieut.-Colonel Sir Henry Gidney** I am not setting them out at very much length I am talking about this research work as part and parcel of the industrial development

**The Honourable Sir Jeremy Raisman:** So am I

**Lieut.-Colonel Sir Henry Gidney** I maintain, our efforts on India's industrial developments are not so concentrated as they are on the defence of India My reasons for stressing this point are manifold India should be self-sufficient which is attainable only by advancing our industrial development We have the men, we have the materials, but no equipment This shortsighted policy and the dilatory tactics to our major industries is seen today by the fact that we depend for our supplies in armaments, etc., on countries which are 7,000 miles away The creation of the Eastern Group Supply Council itself was an admission of this need of expanding India's resources Today our position is worsened by the fact that Australia is unable to supply us our needs and soon America will also be in the same position For this reason Government owe it to India to start industries at once and on a large scale Again, I repeat for the Finance Member's information that my criticisms do not refer to those minor industries which the Commerce Member is so ably conducting and establishing, I mean those major industries relating to armaments

Another aspect we must consider seriously and that is India's post-war reconstruction My friend, Sir Henry Richardson, and the Deputy President of the House, also referred to this in their speeches It may seem futile for us, today, to talk about this matter with a war still on us But considering the life of the nation and its future, we should look at this matter with a long vision I know that the Finance Member has this prominently in his mind, but I should like to see this started immediately, otherwise India will face one of the gravest problems which will challenge solution Let us not confuse the present post-war demands with those of the last war They are incomparable The last war had only indirect post-war repercussions on the economic and industrial life of India This war is different, because Japan commands the Southern Pacific and threatens the coasts of India It possesses Malaya and Singapore and Eastern Bengal and Assam are in danger Therefore, let us at once start large scale industries and thus help the poverty stricken agricultural masses to raise their standard wage and living I have heard it said, even by friends of England, that the delay for the industrial development of

[Sir Henry Gidnev]

India is due to England's desire to exploit India and her fear of losing an industrial potential market for its products. I hesitate to believe that it is wholly true. But I would, at the same time, stress that the present time is an excellent opportunity for England to disprove these accusations or suspicions.

Before I conclude let me refer to one or two points raised by the Finance Member in his budget speech. The Honourable the Finance Member referred to the inadequate response India has so far given in the officers' grades for Emergency Commissions. He said that this might be due to insufficiency of pay. No, Sir, that is not the real reason. It would be more correct to say that it is due to the disparity of pay between Indian and King's Commissioned Officers. I know I will be told by the Defence Secretary that no difference exists between Indian Commissioned Officers and King's Commissioned Officers recruited in England. I am not concerned with what pay is given to British Officers recruited in England. What we in India protest against is the difference in the salaries given to our English confreres recruited in India even if British born and employed in India before recruitment. I shall again be told that no difference exists which cannot be found in the Indian Civil Service and other allied services. It may sound reasonable and all right to those who are steeped in the luxuries of the Lee Loot. The Honourable the Finance Member must plainly see that Indians refuse or hesitate to join as officers of India's Land Forces on account of these differences in pay, especially when it cannot be denied that both officers serve the same army, are exposed to equal hardships and dangers and do the same work.

The other day it was pointed out to me that a Company Sergeant Major with allowances in the British Army gets more than an Indian Commissioned Officer and the former has no status to maintain. This, Sir, is the real reason why there is a certain lack of officer recruits. Remove these unjustifiable differences, this slavish adherence to Asiatic and non Asiatic domiciles and I feel sure the House will join with me in saying that the supply of recruits will at once far exceed the demand. I repeat these marked racial and domicile differences must be removed. The Lee Concessions, if necessary before the war, are certainly not so urgently necessary today. It was meant originally for the education of the children of British or non-Asiatic domicile officers serving in India, for the extra expenses needed for the maintenance of two homes, if necessary, and as compensation for service from their Homeland. I am prepared to accept the necessity of these reasons but I submit these conditions have altered and do not exist so much today. Most of the children and families of these officers were evacuated from England and brought to India between 1941-42 and education is provided for them in this country. British officers spend their leave in India and officers returning on pension prefer to stay here rather than go back to their homeland and pay ten shillings income tax on their pay or pension. I, therefore, feel that the time has come when temporary reduction in the Lee Commission Concessions should be made, for they are not justified under the altered circumstances of today.

Sir, throughout the speech of the Honourable the Finance Member I felt that he was offering an apology for His Majesty's Government. He

expatiated how His Majesty's Government had financed the Roger Mission, how she was prepared to give India large quantities of aeroplanes, vehicles, guns and other equipment without charge to the total of about 60 crores of rupees by the end of 1942-43. The display of that spirit—I may be wrong in my view—as also the elaborate explanation of the repatriation of the sterling loan, I feel sure, was somewhat unfortunate under the present environments and circumstances that face the country. It seemed as though it did take off or cloud the sunshine of our admiration and appreciation of his wonderful work as one of India's greatest Finance Members and his own great efforts to enable India to produce her own defence armaments as outlined in his speech. I shall not, however, attempt to criticise matters of high finance but reiterate that the Honourable the Finance Member ought not to adopt such an apologetic attitude. He should bravely demand more from India which India I am sure will gladly give. England has stood bravely for democracy even when fighting alone. She may not be faultless, but she has nothing to regret with regard to her multitudinous defence demands and the grand and noble manner in which she has stood during the war in relation to her allies and even to her one day foes but friends today, the Russians, to whom she is rendering such timely and valuable aid. England wants to help India and she can. England made her Island a strong arsenal and successfully defeated Germany's aerial invasion. England felt it necessary to retain most of her armaments within her confines. But England never anticipated the speed with which Japan has moved her forces in the Far East and defeated us so far. But, Sir, no nation has ever been faced with such a drain on her resources, such a tax on her manhood and womanhood, no nation has shown such united bravery and cohesion as England has done and I claim for this reason, if for no other reason, one feels proud to be a subject of His Majesty the King. Unfortunately, Sir, circumstances have developed beyond our control today which has placed India in a rather unenviable position. It is up to us to do our best to unite and bravely to face this impending calamity—or as my Honourable friend, Sir Henry Richardson, started his speech when he said that our chief concern and aim should be to unite and fight a common foe. I agree with him that the efforts of the Finance Member as outlined in his defence measures are mainly aimed towards victory and the defence of India, and I join with him in that appeal. I feel that the Honourable the Finance Member has, under the most unusual circumstances, made a wonderful effort for India's defence and for India's finance. And when victory is won—I am sure that day will soon come—I feel that our present Finance Member, Sir Jeremy Raisman, will earn our unstinted gratitude for the great services he is rendering India today and which I hope he will continue to do for sometime to come.

In conclusion, Sir, all I beg is the immediate recognition of India's major industry demands, even though it may seem late in the day. India wants to play the game with a straight bat with England, let England do the same is all that India asks, that she is doing so and will continue to do so no one in this House doubts. But we in India realising our ability to defend and desirous as we are to play a great part in the present war claim that our post war reconstruction depends on our industrial development and on which depends the future hopes of the millions of India's poor who are, today underpaid and as a result are underfed and

[Sir Henry Gidney]

underclothed and which poor, even though it may cost them something, are equally prepared to share the burden with the rich

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions Muhammadan Rural) Sir, I congratulate the Honourable the Finance Member for keeping the finances of the country in an unexpectedly stable condition. The securities are firm, money is cheap and is easily available and the banks supply the currency required for normal civil life. He removed the panic, he stopped the hoarding of currency by private individuals. We judge his measures by the success and not by any theory of political economy. To avoid panic and internal disturbance, the Government should adopt, in my opinion, three measures which will go a very long way and one of these depends upon the Honourable the Finance Member. The first measure I suggest is that the Banks should always remain open and supply in abundance small coins and notes for civil requirements. If banks are closed, panic will follow. The second thing depends upon the Honourable the Commerce Member, that is, that arrangements should be made for the storage of foodstuffs and fodder in every district and in every subdivision. This can be done by the Provincial Governments in co-operation with the Commerce Department. The third thing for which the Honourable the Finance Member has already made provision by increasing the quota to Provincial contribution is to double the police force and not depend entirely upon Civic Guards.

Now I come to the second point, *viz*, the contribution by the railways. I think we ought to have a fresh Convention during war time and revise the Convention of 1924. We may have a moratorium about the payment of loan from depreciation and the entire surplus must go to the Defence Service. That is really the first charge which the Railway Department should have because most of it is on account of war conditions.

The Honourable the Finance Member on page 11 of his speech refers to the technicians' scheme and says that the scheme of technical training has been very much widened and he expects to get 48,000 technicians at the cost of two crores. His desire to encourage and the country's desire to assist are there, but the machinery devised to give effect to these proposals is defective. Better results could be obtained if the Department of Education had been consulted at the outset. The Labour Department has no academic experience and Labour Tribunals are not the proper agencies for recruitment. In this connection, I had a series of correspondence with the different sections of the Defence Department, so much so that I had even to go to His Excellency the Commander in Chief (General Wavell), and I begged him that the machinery of recruitment should be simplified and not be so complicated. I am glad that as far as I am concerned I succeeded in my efforts and I got a simple selection committee and a simple recruitment committee, but I am not sure whether those difficulties which have at least been simplified in my case are not to be found elsewhere. As regards assistance, I will point out that we promised to give 500 war technicians per annum and we have already in the last six months given 200 war technicians. But the Government would not give us even a workshop or residence for those technicians. I had to borrow Rs. 15,000 for a workshop and I am now borrowing

Rs 15,000, for a hostel. But, unfortunately, my credit is not as good as that of the Finance Member because the Vice-Chancellor of the Aligarh University is not a paid official.

The Honourable Member has referred to the training of the Army and Navy and Air Force. Here he will have no difficulty in recruitment if the machinery of recruitment is improved. He referred to the Junior Boys' Training School. I think the work here and the work in the other elementary schools can be done by the existing institutions. I do not think they can take the entire responsibility, but several months' work which they give in specialised military schools or specialised training schools for different kinds of arms can be transferred to educational institutions which are willing to take it up, and in this way there will be great relief as regards admissions in these technical institutions.

The next thing I should like to mention is, that although every penny should be conserved for war purposes, we cannot altogether neglect the nation-building subjects, and I think the Finance Member has in the present budget provided a grant for the Polytechnic. This is a very hopeful sign, but if he encouraged the other educational institutions he would find that war efforts would be substantially increased, and he would get great support from the public and from the educational institutions at minimum cost.

I now come to the Ways and Means referred to on page 14 of the Honourable Member's speech. I very much welcome the repatriation scheme, that is, the transfer of sterling loan to rupee loan, leading to a net saving. And he says

"The combined result of these operations was an increase of Rs 92 crores in our rupee interest charges against a reduction in sterling debt by Rs 135 crores and sterling interest by Rs 5½ crores."

This is exceedingly hopeful and I trust that the scheme will be pursued.

I now come to the Honourable Member's taxation policy and here I beg to differ from him. He starts with an assumption with which I don't agree, namely, that the purchasing power of the people is judged by the level of prices. The price level is certainly not the criterion to judge the purchasing power, because it depends upon so many other factors. For instance, it depends on restriction in production. Restriction in production will affect the price level. In my province of the United Provinces according to the figures given by the Finance Member the price level has increased by 51 per cent, does it mean that the purchasing power of the people has increased in the same ratio? It is not correct to say that the purchasing power of the people rises with increase of prices. There are of course two classes whose purchasing power has increased. The first class is the people connected with the Supply Department, whether in service or working in any other capacity, except those who criticise it. The second class of people whose purchasing power has increased is the class of people who do criminal acts, i.e., store food grains and other things in their houses and do not bring them out for sale. My Honourable friend, the Finance Member, passed an Ordinance the other day against storing coins, why not pass a similar Ordinance against storing food-grains? If they are stored and not brought out for sale, naturally the prices will go up, but it does not follow that the purchasing power of

[Dr Sir Ziauddin Ahmad ]

the people has also gone up. His whole basis of taxation depends on this principle, and if the principle is wrong his conclusions must also be faulty.

Then, he has been very harsh to small people and very lenient to big people. That is not a sound principle. If you want the people to be contented, you do not want to keep the big people contented,—they have a stake in the country and will always be contented,—but you have to keep contented those people who have not got enough to eat.

I have now to deal with the Aligarh University as an employer and I know the feelings of the people,—teachers and others who have an income of Rs. 1,000 per annum and no back-door income. Now that the cost of living has gone up by 51 per cent it is very difficult for these people to make both ends meet, and we have to provide from the budget for some relief in some way or other, and, in order to give that relief I will have to go to the Finance Member to give an additional grant to the University. Therefore, he will have to give by one hand and take away with the other. That is not right, and the condition of these people who earn between Rs. one thousand and two thousand is very pitiable. It is not possible for them to make a compulsory deposit of even a penny, and you will find that 99 per cent of them meet these budgetary demands by means of loans, which the Finance Member will not do, though we have been pressing him from this side of the House. Now, Sir, to compel those people to deposit some money is cruelty. They will have to borrow money from somewhere at probably 12 to 24 per cent interest and deposit with you at the rate of 2½ per cent interest, because the minimum rate of interest, at which these people borrow the money is 12 per cent. So, really speaking, you are reducing the purchasing power of the people, you are not showing any kindness to this class of people but you are really compelling them to borrow money at abnormally high rate of interest, in order to deposit it with you at 2½ per cent. Is it really kindness or cruelty? Is it national economy or the reverse?

Now, Sir, as far as rich people are concerned, he has got a different principle altogether. Let us look into his own proposals on page 5 of his memorandum. He says

‘To assist in securing these objects we are prepared to contribute an amount up to but not exceeding 1/10th of the net Excess Profits Tax ultimately paid at the rate of 66⅔ per cent.’

Now, Sir, I should have thought that whenever the rate of income tax is increased, the first thing that would be increased is the Excess Profits Tax. But it is just the reverse. We give them ten per cent rebate, and it is proposed practically to reduce the Excess Profits Tax by 1/10th, that is, from 66⅔ to 60 per cent. This is not very fair. Why not follow the practice of the United Kingdom? Take the entire borrowing profit of 1/3rd yourself and then keep it with you and hand them over after the war with 2½ per cent interest. In many cases you follow the practice of the United Kingdom. Why not follow in this particular case as well? Take the entire excess profits in loan as England has done.

Now, Sir, the next thing is the repetition of the mistake of 1931, that is, increasing the import duty by 20 per cent all round including the protected articles. Sir, we have seen in the debate, in 1931, when Sir George Sequester raised the export duty by 25 per cent throughout. So much



so that repeatedly on the floor of the House it was said "*Takae bhay—Takaka khaja*" Make no distinction between coal and pudding betwixt diamond and wood and duty on everything is increased by 25 per cent. I think this ought to have been studied very carefully and he ought to have seen whether these articles could pay. In these days when the troubles are there, to increase the import duty on these articles is unwise. I know the Honourable the Finance Member will get up and say "What does it matter? These articles are not coming." Then, why touch your tariff if these things are not coming and he cannot justify it by the figures which he himself has given. The income, as he himself has given, from custom in the revised estimate is 36 crores. After increasing 20 per cent of this duty this figure of 36 crores diminishes—not rises—to 35.35 crores. The law of diminishing return is applied there. Your income is diminished by 65 lakhs. Is it a fair taxation, and can you justify it—that you increase the taxation by 20 per cent when your income has diminished by 65 lakhs. Is there any justification for increasing the import duty by 20 per cent as you have done.

**The Honourable Sir Jeremy Raisman.** Has the Honourable Member heard anything about the war in the Far East?

**Dr Sir Ziauddin Ahmad.** Yes. You don't raise the money by this method. I could quite understand if my Honourable friend put a duty to raise money. There are other methods by means of which it could be done, but I say clearly that if you want to increase the duty you must do it by certain figures, after scientific calculations but not 20 per cent throughout, even on the protected articles. He should remember the dislocation caused in the sugar trade in the year 1931 by a surcharge of 25 per cent. We will discuss later on what will be the effect of this additional surcharge of 20 per cent on the protected articles. My Honourable friend, the Commerce Member, will have to introduce a new Ordinance in order to regulate prices. You first make a mistake and then make so many others to regularize the first one. Is it fair? I think it is very desirable that a careful study ought to have been made and the whole thing scientifically examined. You should have increased the duty only in the case of those articles which are likely to come to this country and where increase in the revenue may be possible, but when the increase is not possible, when the articles are not coming then what is the use of putting an additional duty of 20 per cent in these cases?

The other thing is that nothing was done about the excise duty. Excise duty remains intact. Now, excise duty is a thing which remains in the country which may be taxed and in which case we are sure of the income. But we have said nothing about the increase in the excise duty and have only touched the import duty which is a very uncertain factor. It would have been wiser had the increase been restricted to the excise duty and you ought not to have touched the import duty at all, or even if it had been touched, he should have touched only a few articles which were to be imported in which case he would have given some additional income.

The next thing I should like to discuss is that in the calculation of your taxes, the subsidiary companies and Partnership companies ought to be included in the major companies. This is a measure of avoiding the income-tax. There are the same shareholders, the same managing

[Dr. Sir Ziauddin Ahmad]

directors, but in order to avoid the accumulated income, as one company, they split up into different subsidiary companies or joint companies in order to show a smaller profit and in order to have a lower rate of taxes. This is a point which I think the Finance Member and the Honourable Mr. Sheehy may closely examine, that is, if these subsidiary companies have been started with the object of avoiding income-tax and they have the same managing directors and more than half the shareholders are the same people then, I think, you may examine the fact whether they are *bona fide* or they have only split up in order to show smaller profits in different companies. Sir, with these remarks I resume my seat.

**Mr. Jamnadas M. Mehta** (Bombay Central Division, Non-Mutualist, Madan Rural). Sir, not many years ago the income of the Government of India was only about 75 crores of rupees a year and now we find that the Government of India want an income of 187 crores. It is very nearly 250 per cent. more than what it was a few years ago, when you look to the figures of expenditure under different heads we find that the large bulk of that income has to be spent either on the military expenditure or other matters of a similar character in which the people of this country—not even this House—have got no vote. We are today given certain figures about the income which on page 20 of the memorandum is stated to be 144 crores net revenue and cost of collection over four crores which means that the gross income is 148 crores and in para 29 of his speech the Honourable Finance Member has stated the income from the present taxation to be 140 crores. The same happens about expenditure and the same about the deficit, and I am sure he will explain this discrepancy to me in his reply as only twenty minutes are allotted to us.

**The Honourable Sir Jeremy Raisman:** The Honourable Member must explain what the discrepancy is that he has mentioned.

**Mr. Jamnadas M. Mehta:** Look at page 20.

**The Honourable Sir Jeremy Raisman:** Page 20 of what?

**Mr. Jamnadas M. Mehta:** Page 20 of the Explanatory Memorandum, there you state your net income is 144 crores and you say the collection expenses are about four crores. That makes a gross revenue of 148

**The Honourable Sir Jeremy Raisman:** No, you must take off your expenses from your income—you cannot add expenses to your income.

**Mr. Jamnadas M. Mehta:** You state that your net revenue is 144 crores; therefore, your gross revenue should be 144 *plus* four crores the cost of collection or 148 crores in all.

**Mr. President** (The Honourable Sir Abdur Rahim). The Honourable Member must address the Chair.

**Mr. Jamnadas M. Mehta** I am sure he will explain to us how I am wrong. The net revenue is 144 crores, with Rs 4 crores as the cost of collection, the gross revenue must be 148 crores, because the cost of collection must be added to the net revenue—it cannot be deducted, and then in para 29 of his speech, he states that 'the total revenue is estimated at Rs 1,40,00 lakhs.' Let him look at it. It is true.

**The Honourable Sir Jeremy Raisman** That is 144 minus 4, which, I believe comes to 140.

**Mr. Jamnadas M. Mehta** 111 is your net revenue—look at page 20 of the memorandum you call it net revenue, not gross. It may be that a layman like myself, reading for a few hours all that he has prepared in many weeks, may go wrong. But I assure him that I devoted many hours to understanding this discrepancy, and I have been unable to find any real explanation of it. 140 is the net income stated in para 29 of your speech, and at page 20 of the Memorandum the net income is stated to be 144 crores.

**The Honourable Sir Jeremy Raisman** Net revenue means the revenue after paying such refunds as have to be deducted but the expenditure on administration is part of the expenditure budget and cannot constitutionally be set off against the revenue.

**Mr. Jamnadas M. Mehta** I am quite sure that there is an explanation and I was therefore, asking that he should explain it in his reply without infringing on my time which is already short. All that I understand is that the figures are to some extent confusing, but what I was trying to show to the House was that the total expenditure on the Army of 133 crores as shown on page 20 of the Memorandum was not a complete statement. If you examine it correctly, you must add to the expenditure on the military which is given as 133 crores a further sum of seven crores which is paid as interest on the losses in revenue which were clearly for war debt—that is a military charge on this country's revenue—771 lakhs is the interest we pay for the past war. Then you will find that several miscellaneous items on the war make a total of 342 lakhs—page 17 of the Explanatory Memorandum. Moreover curious as it may appear, you are repaying three crores this year and you are borrowing 35 crores. This kind of borrowing with the one hand and repaying a debt with the other is not easy to understand. Then there are several semi-military items, political expenditure, payment to Crown Representative, Civil Defence, External Affairs, Training of artisans, Department of Supply, which is evidently for war purposes—all these make a total of 1,169 lakhs. Then there is Baluchistan and other small items making a further sum of 457 lakhs. So the total expenditure which you are incurring on military, semi-military, external and political affairs is 1,68.39 lakhs, out of a revenue of 140 crores. That is, not only does the military swallow  $2\frac{1}{2}$  times the ordinary revenue, of a few years ago but even out of the loan which you may float this year for meeting the budget deficit, they take a large slice. Therefore out of the total revenue loan income of Rs 187 crores, as much as 163 crores, are not spent for the benefit of the public directly.

[Mr Jamnadas M Mehta]

That is a heavy charge I am not complaining of the war charge I am the first to admit that in war we shall have to suffer privations I shall support any measure which may be necessary for the success of the war, but that I should stay aside and you should spend all the 163 crores when Indians get no directional share or interest in the expenditure of the whole amount, is, I feel, a little depressing to me If you take me into your confidence, if you will allow me the power of direction, then I would be the first to support the war I am not one of those who believe that when we come into power the expenditure on defence will be less We will perhaps commit more blunders than you have done, but the main thing will remain that we shall have no discrimination amongst ourselves or against ourselves and we shall have the direction of affairs -Today, in spite of all that is said and done in this war effort discrimination is rampant, and if that is removed—and I hope it will be soon removed—the war efforts will be much more effective than what they are today That is all I have to say about war expenditure I am entirely in favour of spending whatever may be necessary for the defence of this country What I want is that the direction of that expenditure should be in my hands, and that there should be no discrimination amongst Indians or against Indians

I next come to the scheme of taxation by which the deficit is sought to be met I know the Honourable the Finance Member sincerely believes in the savings campaign I know he deeply feels that the purchasing power should not run waste in matters which are less helpful to the country's war effort than their investment in loans would be I would agree with him if his premises are correct but my view is that he is living in a dream He has persuaded himself somehow that there is some purchasing power running waste outside the investment in war effort I believe with equal conviction and with equal depth of feeling that for the large mass of the people of this country there is no purchasing power left, his own statistics, given at the end of the Memorandum about price level, should induce him to halt before imposing his scheme of taxation both *re* customs and income-tax as he is thinking of today From the figures given at the end of this memorandum—pages 29 to 31—you will find varying degrees of the rise in the wholesale price level which in Bombay comes to 184 and in other places less That is wholesale prices As against that the rise in the working class cost of living equally varies, but is nowhere below 130 Has he by any chance made clear to himself that the purchasing power, wherever it may be, has gone into the hands of the poor and the workers? Has that dearness allowance gone anywhere beyond 15 per cent? On his own figures the price level has risen by 130 per cent at the least—151 in Cawnpore—and 180 per cent in Bombay I mean the working class cost of living, and have the workers got any dearness allowance from the wage level of 1914 which is in excess of 15 per cent? The workers and those who are earning wages or salaries are today short of purchasing power, not bulging with purchasing power, and anything that he will do in order further to contract that standard of living will bring hardships, where hardship is already very acute I wish entirely to dissociate myself from his scheme of taxation of incomes as he has proposed in the lower stages of incomes I entirely dissociate myself from his policy of taxing kerosene or similar other necessities of life of

the poor, and I agree with my friend here in saying that merely adding a 20 per cent flat rise will not bring good results—but I am not discussing that today

I am saying this that the railway workers have got only 15 per cent rise in their wages, and the cost of living is 130 per cent, 151 per cent and 145 per cent and, therefore, today they are not in a position to maintain themselves in the way they should. Do you want to tax these people more? Do you want to take away the little milk which must be going into the stomachs of their children? I have here with me the evidence before the Rau Committee, to which I would ask the Honourable the Finance Member to refer for a moment, and that will show him that worker after worker getting Rs 80, Rs 100 and Rs 110 whom he wishes to bring under the new income tax level saying— I am not in debt, but my brother sends me Rs 25 a month. I have petty debts amounting to Rs 20 or Rs 25. My father-in-law also supports me because my wife is his only daughter. Now here is a man who is earning Rs 100 whose father-in-law supports him and whose brother pays him Rs 25 a month. Then another man says 'I am ashamed, Sir, that for my three children I only buy half a seer of milk. A third man says— 'I am wearing a smaller piece of loin cloth, I have removed my daughter from school.' These are the people whom you want to bring within the new income-tax level, though they were not within that level in 1940, when the price level was 114, and now it is 151'. The Finance Member wants that they shall pay Rs 40, Rs 50 or Rs 30, otherwise his budget cannot be balanced. Then at the other end he finds that the people who are paying him Excess Profits Tax deserve some sympathy. He has begun to discover that after the war when the cost of reconstruction will be considered these people will be handicapped. I tell him they will not be handicapped. Instead of taxing the food of the poor people, I ask my friend to consider an alternative, because after all, what is he doing? He is taxing the food of the people, he is taxing the food of their children, then clothing? I put to him as an alternative to tax the food of the richer people. He knows that in some of the hotels like the Taj and the Grand and in several other big hotels all over the country every year many lakhs of dinners costing Rs 15, Rs 20 per head are served,—I ask my friend to tax those people 53 per cent on their dinners. Let him tax the dinner of these fashionable wasters, and I am sure he will get a goodly round sum out of the taxation of these rich extravagant luxurious people, because I believe every year several crores of rupees are spent on these costly dinners all over the country by people who eat when they don't need such food, who eat only for the luxury of eating who really waste money on their food which they don't need. I beg of him to tax the food of these people who don't need it and save these humble people, if you tax people getting below Rs 2,000, they will have to borrow to pay the tax, I therefore beg of him to remove this income tax upto Rs 2,000 level. The scheme is borrowed from Prof Keynes who suggested two years ago that certain incomes should not be paid but anticipated by Government for war purposes and repaid after the war. My friend forgets that England is a country where the standard of living is never allowed to fall. There the salaries carry a certain element of saving in addition to a fair minimum standard. Here a standard of living for 80 per cent of the people does not exist. Therefore, the adoption of the device of Professor Keynes will not do, and I hope that the obsession he

[Mr Jamnadas M Mehta ]

has got that there is a large purchasing power being wasted by the majority of the people will be given up. It is a delusion, and he has developed it almost to the point of a fetish. I beg of him to drop it.

Then, Sir, there are one or two points about the Reserve Bank and the Repatriation which I wish to comment upon. My friend has told us what a beneficent thing this repatriation scheme has been to India. He has mentioned several of the advantages: Extinction of foreign debt, saving in interest charges to foreigners and the reduction of a strain on the exchange will now be much less. I tell him that all these good results could have been achieved and must be achieved without incurring a heavy burden on revenue.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member has got two minutes more.

**Mr Jamnadas M Mehta** And as long all these results are not fully achieved, I shall continue to protest that the people of this country were being mulcted out of the 35 crores of rupees as a result of the repatriation scheme.—I have not yet studied the figures of the new repatriation, and, therefore, I don't wish to make any comment—but I want to tell him.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member's time is up.

**Mr Jamnadas M. Mehta:** May I say only a few more things briefly?

**Mr President** (The Honourable Sir Abdur Rahim) You can conclude in one sentence. I am afraid I cannot allow any more time.

**Mr Jamnadas M Mehta** I will finish in one or two sentences.

**Mr. President** (The Honourable Sir Abdur Rahim) I cannot allow him any more time. The same time limit applies to all Members alike. I cannot allow him any more time.

**Mr. Jamnadas M Mehta.** I will wind up.

**Mr. President** (The Honourable Sir Abdur Rahim) If the winding takes time, I cannot allow any more time.

**Mr Jamnadas M. Mehta:** Then I say that these supposed advantages have accrued to the country at a very ruinous cost.

**Mr. Muhammad Nauman** (Patna and Chota Nagpur *cum* Onssa Muhammadan) Sir, the presentation of Budget in any country is a matter of very great concern to the taxpayers and, particularly, in this country where even the theory of "no taxation without representation, does not hold good. In this country we have no control over the central administration of the country, and the Budget is presented to a House which can neither modify the terms, nor can the people's representative change the method of taxation or the figures if they wanted to. We

can only convey to the House the feelings of the people we represent. We can only make our suggestions and tell the House how we feel about the budget proposals but we have no power to compel the Honourable the Finance Member to accept our suggestions which we make in good faith. The constitutional position being what it is, I shall attempt to review the Budget in as brief a manner as I can within the time allotted to me.

Sir, I certainly feel that the Honourable the Finance Member deserves the credit for presenting a little satisfactory Budget at a very difficult time. That I must confess, and I am glad he has tried his level best to tax the people to the minimum extent possible as out of deficit of 47 crores he is raising 12 crores only by taxation and balance he is meeting by loan. We are discussing the Budget under the shadow of great dangers hovering over the world, and particularly, over this country. The defence of a country is always of paramount consideration, and at such times we cannot grudge any particular sacrifice, any particular taxation that we may be called upon to bear. 188 crores are provided in the Budget for our defence,—probably it is a low figure,—I think we ought to be prepared to contribute even a higher sum if and when contingency arose.

I understand from the budget speech of the Honourable the Finance Member that he expects a contribution of Rs 400 crores from His Majesty's Government in the matter of war expenditure, but with the colossal expense that we have to undergo under the modern system of warfare I do not know whether that contribution will be sufficient. What I want to impress on the House is that we do not grudge any expenditure which we have got to do for the successful prosecution of the war, and as such I do not want to criticise that aspect of the budget proposal at all, but I would say something about the incidence of taxation which will fall on the shoulders of the people. It has been the policy everywhere that effort is made by the exchequer to see that the incidence of taxation does not fall on the shoulders of the poorer section, but this has not been possible for the Finance Member here and his proposals are to tax the poor most. In the matter of direct taxation, most of the Members have reiterated this point that we do not look with favour the idea of taxing people who have got incomes lower than Rs 2,000. The reduction of the minimum would be a hardship as the incidence of taxation will fall on shoulders which would not be able to bear it, or at least in comparison, we find that those who can afford to pay more easily have been left out. A time may come when half the entire assets of an individual may have to be given up for the State to meet contingencies of war. When we are expected to lose everything that we have, then we do not grudge even if we have to give up half of our belongings, but, as I said, even in these conditions it should be the effort of every Finance Member to see that the incidence of taxation does not fall on the weaker shoulders alone. But, unfortunately, the impression in the minds of the representatives of the people is that the Honourable Member has not kept that point in view. He has been liberal towards the rich people who have been taxed with Excess Profits and Super Taxes, and he has tried to net-in now those people who cannot afford to pay at this moment without hardship. In the matter of indirect taxation, kerosene has been pointed out by my Honourable friend, Mr Jamnadas Mehta, and he has said that the incidence of indirect taxation in this case will fall upon

[Mr Muhammad Nauman]

the poorer section of the people I quite appreciate the idea of levying a higher tax on petrol I would have been glad to hear that the rate has been increased for Super-tax and Excess Profits Tax It is not a question of the individual, it may be that time may come when I may be in that list myself but I feel as a representative of the people and I must bring the view point of the people to the notice of the House that his proposals are

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member may continue his speech after lunch The House stands adjourned till half past two

The Assembly then adjourned for Lunch till Half Past Two of the Clock

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr Deputy President (Mr Akhil Chandra Datta) in the Chair

**Mr Muhammad Nauman** Sir I was saying that by lowering the limit of income tax qualification, the incidence of taxation will fall on comparatively poorer section and this hardship will create discontent in the minds of those people who will not have any opportunities and circumstances to make a strong propaganda which the taxpayers of Super-tax and the Excess Profits Tax have been able to do and who are always trying to impress the Honourable the Finance Member that they were very much hard hit The Honourable the Finance Member will remember his own remarks which he made only a few days ago in reply to the Resolution of my friend, Sir Abdul Hakim Ghuznavi, regarding income tax I further stated that the indirect taxation on kerosene oil will incidentally fall on the shoulders of the still poorer section and in people in the villages As kerosene oil is not an article of luxury but of absolute necessity, it should be seriously considered by the Honourable Member whether it would be in the interests of the country if the burden is shouldered by a very poor section of the people in this country

As regards the all-round 20 per cent increase on the import duty, personally, I am in favour of it although my Honourable friends, Dr Sir Zauddin Ahmad and Mr Jamnadas Mehta, have opposed the same Money has to be found from somewhere and such a tax is quite in the fitness of the circumstances, but there is one danger which I may point out to the House On the one hand, Government would not be able to get that amount of money which they probably think they will be able to collect by their calculations, because the chances of import are very limited and the channels are choked everywhere On the other hand, it will give an opportunity to the stockists to increase their prices suddenly on the plea that an all-round 20 per cent import duty has been increased If some effort is made to restrict the increase in the prices of the stockists and the dealers on this plea and, thereby, putting the general public to a tremendous difficulty, personally I would not object to this all-round 20 per cent increase in the import duties

Now, Sir, another subject is that of industry to which my Honourable friends, the Deputy President and Sir Henry Gidney, have made references I do not want to dilate on this subject because it is a subject



on which we can talk and talk for days together. I have got neither the time nor I desire to discuss it. I must say, one thing as my friend, Sir Henry Gidney, pointed out, that there has been an impression in the minds of the people here that England has not given any impetus to the industry of India because she wanted to maintain her commercial exploitation of this country all along. That impression should be removed by granting subsidies to such industries at least which are allied with the production of war materials. Such efforts should be made as will convince the people that the Government is sincere and honest in giving support to the industrial development of this country at least at this stage. For that, ways and means should be found out. I do not want to suggest anything at this moment, but the Honourable the Finance Member can have suggestions from the Members of the House at some other times. He has already received many suggestions from us during the last few years and he can act upon them if he likes.

Now, Sir, the Honourable Member may say that I have tried to criticise his policy of taxation so far as income-tax and kerosene oil are concerned. He may further say that money has got to be found and something has got to be done. Some Honourable Members have suggested—and I agree with them—that in the matter of income tax money has to be found only from the higher section of the people, who earn large sums of money and who are the only persons to whom the question of compulsory savings can appeal. The question of compulsory savings cannot appeal to those who do not know what savings means. In India a man who is getting Rs 100 or Rs 200 a month with a family and social obligations can hardly think of any savings at all, particularly at this time, when the prices have gone up by something like 50 per cent all round. Dr Sir Ziauddin Ahmad has pointed out, that this fact should not at all impress the Honourable Member that the purchasing power of the people of this country has gone up also. The shooting up of prices has more or less restricted the purchasing power of the country rather than increased it. Although the Honourable Member believes in compulsory savings, yet he has not made any suggestions regarding the cuts in the salaries of high officials.

On this side of the House we have been stressing for so many years about the cuts in the salaries of higher officials, people who are drawing Rs 500 and more. It would have been quite modest if the suggestion were given by the Honourable Member himself that there should be a cut of ten per cent in the salary of those who are getting Rs 500 to Rs 1,000, 15 per cent in the case of those who are getting Rs 1,000 to 2,000 and 20 per cent in the case of those who are getting above Rs 2,000 and over. The Honourable Members of the Executive Council have set a noble example by reduction in their own salaries. They have waited quite long for a voluntary offer of cut from the other section of their employees and I think it is high time that they should achieve this object by means of legislation. If the Honourable Member can do this, he will be able to effect some savings which he will be able to utilise profitably in these days of crisis under war conditions.

Another matter which I would like to suggest is this that in the matter of the excise duty one item has been left out. I do not know whether its possibilities have been explored or not, nor am I in a position to make any calculation of the amount which it will bring to the Government of

[Mr Muhammad Nauman]

India It is the question of levying some excise duty on cement It is one of those commodities which has been in frequent use in this country for quite a long time and, particularly, at the present time when iron is not available and which is being replaced by cement in the construction of buildings in this country I think that would be a very good suggestion It is for the Government of India to find out its possibilities and what amount they can get out of it By taxing these things they can probably give relief to the poor people and if my proposals are accepted financial aspect of the budget will be complete without taxing the poor

Now, Sir, as I said in the earlier part of my speech that so far as the successful prosecution of the war is concerned, we are prepared to make any sacrifice and everyone of us ought to be prepared to make any kind of sacrifice provided we are associated with it as partners We want a definite assurance from the Government and the Honourable Member that they have made all possible arrangements to see that we win this war irrespective of the fact that there is a landing in this country by the Japanese or the Germans We should be able to meet any invader and we should have all modern equipment to face those powers For that purpose whatever finances are required, whatever sacrifices may be necessary, I assure the House that so far as our people are concerned, we would be quite prepared to take that burden with all pleasure on our shoulders provided we are given a real power in the administration of the country and the prosecution of this war as well Let it be our war and we will fight it With these few words I take my seat

**Mr T Chapman-Mortimer** (Bengal European) Sir, when during the course of yesterday, I studied the Budget speech of the Honourable the Finance Member and the Explanatory Memorandum I was very much struck by four main features of his proposals The first is the amazing financial strength of this country, after 2½ years of war The total debt of India, external and internal in 1937-38 was 1197.16 crores, in 1941-42, it was 1209.20 crores, an addition of only 12.04 crores, after 2½ years of the most tremendous struggle and the most tremendous war effort on the part of India But, if we compare the figures for the coming year, the position still remains as strong as it would appear from these figures, because we find that at the end of the financial year, 1942-43, the addition to the total debt of India would be only somewhere in the neighbourhood of 30.27 crores Sir I cannot help feeling that that is one of the most striking features of this Budget and one to which every one of us, inside this House and outside, should give great consideration and also, if I may say so, very great credit to the Honourable the Finance Member and to his predecessor for the careful way in which these two men have handled our financial affairs through a very difficult and critical period

Sir, it is not only when we look at the total debt that we see how striking our position is We find that at the end of March, 1943, the sterling debt is estimated to equal 113.52 crores, of which 36 crores equals the capital portion of annuities created in purchase of railways and 56.90 crores, the outstanding debt In addition, during the coming year, the net amount of refund by the Secretary of State is no less a figure than £164 million and that is after taking into account the purchase of two railways, and after paying off the remainder of the loans which are to be repaid in the coming year These are the most striking

figures and I would suggest that this aspect of India's financial position at this time is one that deserves our careful consideration and as I have said merits praise on the part of those who are responsible for it

Now, Sir, the second feature about this Budget that strikes me is the enormous amount to be paid to the Provinces. This is far in excess of anything that was contemplated when Sir Otto Niemeyer made his investigations and raises a number of important problems. We are all very glad that the Provinces at this time should be helped to this large extent, more particularly as, from the nature of the case, their revenues are somewhat less elastic than those of the Centre. At the same time, it should also be a warning to certain Provincial Governments not to embark, at a moment when so to say windfalls are coming their way, upon unnecessary and extravagant expenditure. This perhaps has particular reference to my own Province of Bengal because though the profits of jute tax go largely to Bengal, it will be seen from the Explanatory Memorandum that the Honourable the Finance Member is budgeting for a smaller amount to be paid under that head to the Province and it is quite possible that the war situation, as it develops, may create a situation in which the jute tax proceeds are even lower than he anticipates. There is also the question of the Civil Defence expenditure, but I shall not go into that today as it is a subject of a cut motion later on.

The third aspect of this Budget statement which has impressed me is the defence expenditure. Our Army today is possibly well over a million as opposed to a peace time strength of only two lakhs, but the expenditure by India on her Army is only about three times what her normal peace time expenditure would be. Yet all our cavalry has been mechanised, our Navy is growing and our Air Force is growing. That has only been possible because of the tremendous contribution made by His Majesty's Government—200 crores this year and 400 crores in the coming financial year. It is also due in part to the wise conservation of our resources. But not only is His Majesty's Government contributing money, they are also contributing aeroplanes, tanks and all kinds of equipment. It has been asked, why have the Government of India not done a great deal more to re-equip, on modern lines, the Indian Army? Well, Sir, those of us who have listened to the army debates in this House, and to the great opposition the Congress showed towards any expenditure on the Army, know one reason why that has not been possible. We heard criticism—mostly of a carping kind—of the expenditure under the defence head of the Government of India. But apart from that, if we consider the case of France, with her huge Magnot line and her great army and enormous expenditure in pre-war days on defence and equipment that proved useless in modern war, there is a very great deal to be said for the policy of His Majesty's Government and the Government of India—quite apart, I mean from the fact that they have been criticised wherever they spent anything on the defence services.

The fourth feature of this Budget to which I should like to draw the attention of the House is the remarks that have fallen from the Honourable the Finance Member on the subject of India's war production—clothing factories, ten times, leather goods, 30 times, many new chemicals, many new industrial projects. In this connection, I should like to say this, quite apart from the fact that many industrialists in this

[Mr T Chapman-Mortimer]

country have come forward and put their best into the war effort to increase production, His Majesty's Government have also played a part. They have paid for the whole of the capital sums involved in many cases where these new factories and mills and so on had to be put up. So that in that direction also they have been playing their part and the Honourable the Finance Member by contributing large sums of money for the training of personnel both military and civil has been playing his part. So that he can say with justice that 'on a broad front 'a great advance has been made' in India's industrial development'. We are told day in and day out in the press that nothing is being done and that a great deal more could be done. I would suggest to Honourable Members that a great deal of that propaganda is either ignorant or misinformed or deliberately mischievous,—deliberately done to create the impression that something could have been done which has not been done. To say that England is standing in the way of India at this time and preventing her industries being developed on a war basis is absolutely false, and I challenge any one in this House to say otherwise.

Sir, in conclusion I should just like to say a few words about the mobilisation of credit. We have heard a most interesting and well-informed speech from my Honourable friend from Bombay, Mr Jinnah. He has told us some very telling facts and put his case with great skill. But I venture to suggest that in one point at least he was not quite correct. He seemed to suggest that the Finance Member is seeking to tax the 80 per cent of the poor in this country. Sir, if ever there was a budget that laid the heaviest burden on the rich, this present budget is such a budget. It has not laid a burden on the poor at all. Of course, they have to pay too, but the Finance Member has tried his best to arrange his taxation proposals in such a way that the poor shall be hurt as little as possible. He has too made it possible for those whose incomes range from Rs 1,000 to Rs 2,000 and even up to Rs 6,000 to save money, and not just feel that they are paying over taxation to Government. He has also taken very important steps, indeed, that we in these Benches hope will lead to that mobilisation of credit which he and the country so urgently require at this time. I refer of course to points dealt with by my Leader this morning and I shall not, therefore, take the time of the House by repeating what he has said about the Excess Profits Tax and income tax proposals. I should just like to say this that there is really what we might call a tug-of-war going on between those who are seeking to achieve higher money rates, to increase the demand for an increasingly diminishing supply of available materials, and inflation. That is one side. The other side is the policy of Government,—low money rates to foster sound trading, controlled demand of available supplies by checking the amount of available funds in the country that would seek an outlet in pushing up the price of these restricted supplies, and that industry should stand on its own legs and not stand, as it were, on the heads and shoulders of the poor in this country.

Sir, I support the budget proposals.

**Mr. Lalchand Navalrai** (Sind Non-Muhammadan Rural). Sir, I find it rather difficult to offer my remarks on the budget. No doubt the Finance Member has bestowed much labour and thought to this budget, but in my opinion it is not an ordinary financial budget but absolutely

a war budget. There is no doubt that at this time the country should not grudge any expenditure on defence but we have no hand in that expenditure. The portfolio is not in the hands of any Indian and we are kept in the dark as to what is happening about war efforts. There are two dangers in the country now,—one from outside aggression and the other from internal disturbance. My Honourable friend, Sir Ziauddin, said that Government should pay greater attention to internal peace. As regards external aggression we do not know much about the actual arrangements made. We are told that adequate arrangements have been made and we have to believe that. But as regards internal peace I must say that Government have not made sufficient and adequate arrangements to maintain internal order.

We find that 133 crores are being spent for defence purposes, for money on internal security also we will have to approach the Finance Member. I can assure him that in the provinces the police force is not sufficient at all to cope with possible internal disturbances. The Provincial Governments say they have not got sufficient funds to increase the police force, and, it is, therefore, the duty of the Central Government to help them with funds for this purpose. I can say about Sind that disturbance has already started there. The Hur community who are the followers of the Pir of Paguro have been actually going about in a very desperate mood and committing many depredations. The Sind Government is running on subsidies, and it is necessary that more subsidies should be given exclusively for this purpose.

**An Honourable Member.** Why do you not defend yourself?

**Mr. Lalchand Navalrai.** I will come to that.

Therefore, the Finance Member should first of all make provision for increasing the police force in this country. I am asked why we do not make any arrangements ourselves. The point is that no trust or confidence is placed upon us. Even at this moment the Civic Guards who are being appointed are not given any arms or rifles or given any training in these. And we are still told to stand on our own legs although there is the further restriction that we must do everything under the instructions of Government. Therefore, there is no scope for us to stand on our own legs. Even the licenses for arms which have been held by responsible persons for years together are now being cancelled and new licenses are not given. Is that not want of confidence? I am talking of Sind where licenses were given at the time of the riots at Sukkur. Now many old licenses are cancelled and new licenses are not being given. That is how internal order is to be protected.

If we say anything on this budget, the reply is "this is war effort and you cannot say anything". Therefore, I do admit that at this time of danger we certainly have very little scope to say that 133 crores should not have been spent on the defence and so forth, but the country is in such a mood that they care more for security against any foreign aggression and internal security. My humble submission, therefore, is, that internal security should be given and for that purpose the Honourable the Finance Member should find money to give to the

[Mr Lalchand Navarai]

provinces I do find that to a certain extent more share of Income-tax is being given to the provinces but that is not sufficient for this purpose. Money on this should be spent in the same manner in which money is being spent on the other defences of the country.

Now, Sir, 133 crores of rupees have been shown as the defence expenditure. The point is this. Is 133 crores being spent exclusively on the protection of India or not? On many occasions when questions are put, it is said that what is being done for the British Government is to be paid for by the British Government. Of course, I take it, that it would be that way, but in the last war large sums of money were spent on behalf of the British Government and then at the end of the war there arose a dispute over it and matters were settled by arbitration. This may not happen again. But what I am at present saying is that this more expense is being incurred only because the boundaries of India have been extended up to Eden and other places on the pretext that India is being saved thereby. I submit that that is wrong. That expense should also be met by the British exchequer.

So far as the Budget is concerned, after this large expense of 133 crores the Honourable the Finance Member has shown a deficit of 47 crores. It is said that industries are being developed by helping in the war effort. We may take it that that is so, but my question is to what extent are those industries being developed in the interest of India and whether they would survive after the war is over? That is the point which I have raised even before and I may say that I am not yet satisfied about it. It has been said here today that big industries, such as the construction of aeroplanes, anti aircraft guns, shipbuilding and motor cars, have not yet been set up in India even for the war. Now, apart from that, I want to know whether such industries—small or big—are being established in India will survive after the war. In that connection, I put a question in November, 1940, asking for a statement showing the number and situation of new industries or workshops created after the war either by Government or by private concerns, otherwise than for war purposes. By this question I wanted to know whether there are such industries being developed in India which will survive after the war. In reply to that a list was laid on the table of the House which is now in my hand. What do I find in this? I find that Government seem to have helped and created some public industries of a very minor character but that no subsidies have been given to private undertakings. I will read out a few items from this list which is available in the Library and is also contained in the printed debates. About 62 public companies out of 164 have been established in Bombay and Karachi. Now we will see the individual items. To begin with, the very first industry that I find is surgical manufacture. The second is with respect to a cotton mill at Chittaranjan Avenue, Calcutta. Then, further on it is either Chemical or Press Printers, and some such small things as electric energy for all purposes—I do not know how far they are big or small—at 97, Clive Street, Calcutta. Then, I find Dairy and Poultry farming and something about fisheries.

**The Honourable Sir Jeremy Raisman:** Was it not the case that the Honourable Member's question was in relation to industries not directly connected with the war?

**Mr. Lalchand Navarai:** I have got the question also with me. I will read it to the Honourable Member. It was regarding the number and situation of the new industries or workshops created after the war either by Government or private concerns otherwise than for war purposes. Now, my question is whether they will survive after the war. That is the point with which I am concerned. Of course, I know that for the purposes of defence, Government would not have been so negligent as not to do anything in connection with the war. What I have said is that for the purposes of the war bigger industries have not been established. The bigger industries have not been shown only the smaller industries and that too when they are only temporary. I am not concerned with such temporary industries but whether they can live afterwards. Therefore, attention should be given to see that they do not become bankrupt after the war but that we become fully self-sufficient. I will now come to the question of the budget itself.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** The Honourable Member has two minutes more.

**Mr. Lalchand Navarai:** In order to balance the budget, we must see whether the ways and means adopted are wise or not. I would say that to charge income tax from persons who do not get more than Rs. 2,000 a year is cruel, and I would further say that the surcharge imposed on incomes above that level will also be a great burden, especially in these days when, as the Honourable the Finance Member himself has admitted, the position of the country is precarious. On this subject I would also like to say that Income-tax Officers should give more facilities for the purpose of recovering assessments. Persons who so far remained in foreign countries have now come over here—they cannot pay any income-tax at all and why should not facilities be given to them? I have received several telegrams from Sindhi merchants and others asking that their assessment should be suspended—they have left whatever property they had elsewhere and have come here, they are not going to have any earning and still they will be asked to pay income-tax on incomes that they have lost, I hope, therefore, that every convenience will be given to them.

**Rao Sahib N. Sivaraj (Nominated Non-Official):** Mr. Deputy President, it is easy to criticise the speech of the Honourable the Finance Member by picking up a sentence here and an item there and hurling it at him, with probably no effect, but I find it difficult to withhold appreciation from him for the budget he has presented to this House this year in the circumstances in which he is placed at present.

In the first place, he is a member of a Government which after everything is said and done, is subordinate to another government which itself at the present moment is making great efforts to find its feet and to get on level terms with the forces of aggression. In fact he is unfortunately placed in the position of one who has got to pay for the tune which some one else calls. In the second place, he is occupying the responsible position of Finance Member of the Government of India at a time when India

[Rao Sahib N Sivaraj]

is, as never before, confronted with a situation which is so confused as it is today. She is involved in perhaps one of the biggest world wars, and it is an occasion for most Finance Members to fall into the temptation of producing fanciful budgets on the ground of war and sacrifices. But the Finance Member has tried to take realities into account and has not fallen a prey to that kind of temptation. So, I feel that really speaking he deserves the congratulations of this House on presenting what I consider to be a very sober and steady budget in a time of crisis like this. In fact, as has been pointed out by my Honourable friend, Mr Chapman Mortimer, it is characterised by very many good features.

What struck me really as one of its best features was that it is based on a scientific basis, and also that it errs more on the side of caution. However, we ought to be grateful to the Finance Member that he has been able to present a budget of this kind. I really want to draw the attention of the Finance Member to one or two points which struck me as somewhat novel in this Budget.

I have been wondering what system will be the best to finance a modern war. I have been trying often to get information on the point as to how, for instance, the Axis powers are able to finance their war measures. In fact it may be of some use to us, if it is not considered *infra dig*, to copy their methods, provided it is useful. In fact, in this war many things have got to be learnt from our enemies and I do not know if in the field of finance the Finance Member has got anything to learn. However, I feel that it is a huge task to finance a modern war and at a time like this it is but natural that the Finance Member should go out of the way and find new remedies for getting revenue. It has been pointed out that the Finance Member was somewhat hard on the poor people and that he did not take enough out of the rich. But it must be borne in mind that this war is a total war and every person and any class of person in any society must take his due share, and credit must be given to the Finance Member for seeing that he so distributed the burden of taxation that every one felt the impact of the war. He dare not alienate industry at the present moment nor can he afford to displease labour. That is the present position. It is a difficult task for any human being to satisfy all persons. From that point of view we can acquit the Honourable the Finance Member of the charge that he is one-sided.

Again, from the point of view of industries, commerce and agriculture one ought to see that there again the burden is equally distributed. Here I find it is so difficult in a country like ours for any Finance Member to adjust his finances to satisfy all interests. In a war like this, where highly mechanised warfare takes place, it is only countries which are on an industrial basis and which are highly industrialised, that can easily cope with war measures. I personally feel that a country like ours which is mainly agricultural will find it extremely difficult to cope with the requirements that are demanded of her in this present war. But it is gratifying to note that in spite of this great handicap, the Budget has made provision for making it as effective as possible to meet the dangers that India is facing at the present moment. But I am not going to enlarge on the aspects of the Budget so far as the war is concerned. There are, however, one or two things I am interested in knowing from the Honourable the



Finance Member—it is not so much as a matter of criticism as it is for eliciting information

First of all, about the Lease Lend system I really do not know,—not being well versed in the art or science or whatever people call it, of finance,—I really do not know the financial implications of the Lease Lend system, and even at the present moment I am not able to gather what benefit India has so far derived from the Lease-Lend system. But I personally feel on reading a few sentences in the Budget that the Lease-Lend system has been introduced merely in place of a system like the Cash and Carry basis. It is because we cannot afford to pay cash that the Lease-Lend system has been introduced. That is my view, but it is there that I cannot understand why the Honourable the Finance Member should treat it as on cash basis. This is what he says at page 9 of his Budget speech

*"We have not yet been informed"—he himself does not know—"of the precise nature of the obligation that these Lease Lend facilities will impose on the Government making use of them, and it is, therefore, considered prudent for the time being to budget and account for these stores in the same way as though they had been obtained by cash purchases until the precise manner in which the Lease Lend liability will ultimately be liquidated, becomes known"*

I thought the Lease-Lend system was a substitute for cash purchases, and I personally feel that if it was not treated as cash purchase it might go to relieve the burden of taxation or otherwise improve the financial position of India. In any case I am anxious about one thing. Rightly or wrongly, due to historical reasons, India has hitherto been linked to the London sterling, I hope that this process of the introduction of the Lease Lend system will not transfer India from what I might call the subjection to the sterling to the domination of the dollar.

Then, the second point is about the sort of semi compulsory national savings scheme that is introduced, which is a feature of this Budget. I found so far that many speakers who adverted to the tax on those who draw sums between Rs. 1 000 and Rs. 2 000 were harsh on the Honourable the Finance Member. Probably they overlooked the fact that, after all, this tax is optional. Whatever people might say about it, the fact remains that it cannot be scientifically questioned by any one in spite of the fact that my friend, Mr. Jamnadas Mehta, tried to show that it does not affect the purchasing power of the people. There is no denying the fact that the more money in the hands of the people, the greater is their purchasing power, but a remedy might have been suggested to the Honourable the Finance Member. At the same time you restrict the purchasing power of the people, the Government ought to take care to see that more goods are produced and placed at the disposal of the people, and that is where the scheme will be useful. There is no use in making the life of a miserable people more miserable by withdrawing the purchasing power from them. What is really needed to relieve the suffering or the misery of these smaller people will be to produce more and place it at their disposal, particularly in the matter of food. There ought to be intensive cultivation of food crops, and a scheme must immediately be planned and adopted with the help of the Provincial Governments. So also in the matter of clothing, I feel there ought to be some kind of standard cloth which ought to be produced by the Indian mills. Whatever might be the work on which they are now engaged in the matter of producing textiles for war supplies, it is the bounden duty of the Government to see that the needs of the civil

[Rao Sahib N Sivaraj]

population in the matter of clothing are satisfied by some scheme, and I would personally suggest the introduction of a standard type of cloth to be available particularly to the poor people

Then the third thing that I would suggest in order to escape from such rigours as the imposition of this tax on the poor people might imply is—what is called the extinction or extermination of what is known as the Black Market. There is no doubt about the fact that even today it is very difficult, whatever the system of price control may be, it is very difficult for the ordinary man to get his things. In my own case it was very difficult for me to get a bottle of medicine, because the moment I went—I am a knowing man—the shopkeeper said he had no medicine as he had to keep it ready for some one else. And my friend, the Honourable the Commerce Member, also knows that quite recently in Madras we had what is called the Firewood riot. The firewood merchants would not part with their firewood, because they wanted better prices in spite of the fact that there was price control in these directions. The Government ought to take steps to relieve the poor man from whatever suffering he might have to face from the imposition of this national savings scheme. I only hope that it will not be construed, that when a man, if he is not willing to pay his income-tax and he is forced to save, it will not be construed by the unkind critics of the Government, that it is compelling faith out of the ordinary man in the credit of the Government of India. I am really keen that the Government should take immediate steps to see that these two things in which I am interested are done, namely, intensive food production and also the placing of greater material for clothing at the disposal of the ordinary man. After all, Sir, even in these days of war, when armaments are certainly necessary, when tanks and ships are important to defeat the forces of aggression, it cannot be said that any nation can live and win the war by armaments alone. What is more important is food and clothing. With these words, I support the proposals in the Budget.

**Maulana Zafar Ali Khan** (East Central Punjab Muhammadan) Sir, it is a trite saying that he who pays the piper calls for the tune. Now, in our case this House of the elected representatives of India is the paymaster, and it has the right of calling for the tune. But who calls for the tune? Sir Jeremy Ransman. Half of this House is empty, the other half of it feels that however loud its harangues, nobody would listen to it. I wish, at this fateful hour when the whole world is being shaken by nerve racking incidents, the Budget should have been presented before a House which was fully responsible to the people of this country, but, unfortunately, it is not. They say that in another couple of days time England is going to make a historic decision and that that decision will affect the mentality of the people of India. Whether it proves to be a mere eyewash or whether it will be something in the nature of transferring real powers to the people of India I do not know. We will come to know in a few days' time. But for all that, I wish that this budget, which is a war budget and which must be discussed in the light of the events happening in the East and the West—I wish this budget had been presented before a fully representative House.

Sir, the second paragraph of the Honourable the Finance Member's speech deals with the question which has been analysed very scientifically by my Honourable friend, Dr Sir Ziauddin. The Honourable the Finance Member seems to think that the purchasing power of those who buy the goods has proportionately risen. It is certainly not a fact. Who are the consumers? That is the question which ought to be answered. Are the consumers not the millions of peasants and labourers in this country, the million of the ministerial staff and Government servants? Are they not the consumers? Has their purchasing power risen? Before this war, wheat could be had at 20 seers to the rupee, but now we cannot have even at eight seers to the rupee. But has the pay of the clerk who buys the wheat risen proportionately? The pay of Sir Jeremy Raisman was Rs 6,500, it came down to Rs 5,500 (Interruption) Has his purchasing power risen? No.

**Lieut.-Colonel Sir Henry Gidney** It is not Rs 5,500, it is Rs 6,600 per mensem.

**Maulana Zafar Ali Khan** Then I come down to the clerical staff. I hope the Honourable the Railway Member will permit me to point out that, though the surplus was Rs 30 crores in the case of the railways, did any single pie go towards raising the purchasing power of the clerical staff and of the railway guards? Poor fellows! They are getting Rs 60 or 70 or Rs 30 or 40 a month. The salary remains the same, but prices go up. The consuming power of the Government has certainly risen steadily but not the consuming power of the peasant of the Punjab—I am speaking of the Punjab from which province I come. Three crores of men there are, mostly tillers of soil, not big Tiwanas and Noons, who have thousands and thousands of acres of land but poor peasants who, on the average, do not possess more than five acres. What is their purchasing power? They are living a hand to mouth existence, they cannot keep their body and soul together. The Deputy Commissioner comes and says, pay towards the war fund. The peasant has already paid *abiana* and revenue, but he has to pay at the rate of Rs 10 per *zaildar*, Rs 5 a *safedposh*, Rs 3 per *lambardar* and two annas for every member of the household. Where is all that to come from?

What is the average income of the people of India? Not more than Rs 6 a month, even after the report of Dadabhai Naoroji, the great congressman. The miserable economic condition of the people has to be remembered in this connection. Government has the purchasing power, certainly they are the greatest consumers. For instance, they can buy wheat at Rs 4-6-0 a maund, they can buy thousands and thousands of maunds of wheat and export them to Persia and there, they may sell at Rs 8 or Rs 10 per maund. What can prevent them? It goes on. Wheat is exported to other parts of the continent of Asia where the position of the British Government, so far as the war is concerned, is a little safe. Between Libya and Afghanistan where at least 300,000 of Indian soldiers are posted, the position is a bit safe, but how long it will remain safe nobody can say, because impossible things are happening at the present moment. Towards the East our flank has been uncovered. The fall of Singapore was a terrible blow to the British Empire. After the going of Malaya and after the going of Burma—half of it has already

[Maulana Zafar Ali Khan]

gone—what guarantee is there that events might not occur in the West which would place India in a jeopardy? Here comes the question of tanks, of aeroplanes, and other mechanised paraphernalia of the war. Supposing the enemy captures the Suez Canal what happens? It means that India will have to fight this war single handed. The eyes of the Britishers were shut so far. They did not see. A long view of this war would tell them that, ultimately, the fate of the British Empire shall be decided in India and so India must be self sufficient. Something, therefore, must be done as regards arms and ammunition and foodstuffs. Money must be immediately invested in the building of ships, tanks and aeroplanes, in the manufacture of ammunitions and shells, because without them you are nowhere. We are nowhere. We had no aeroplanes in Malaya and we had no mechanised forces, and what was the result? Remember the same fate can befall India if you do not open your eyes.

So, this budget is a war budget and must be looked upon and discussed in the light of these things that I am telling you now. Rs. 45 crores is the deficit. From 17 crores it has gone up to 45 crores. Now, on the face of it, if you have spent Rs. 133 crores on war, a deficit of Rs. 45 crores is not much. My Honourable friend, Mr. Lalchand Navarai, said that Rs. 400 crores is being contributed by the British Government towards the expenses of India. Is not that true? England and India have thus contributed altogether about 533 crores, but that is not enough. We will have to find more money. Where is that money to come from? We were told that we were fighting the battle of India. We were also told that India is for Indians just as Japan says that Asia is for Asiatics. We say that India is for Indians and if we are assured on that point, I think even this poor country could contribute a thousand crores and deal in astronomical figures just as America is doing. We can do it. We have got capitalists.

**The Honourable Sir Jeremy Raisman:** You have got Dr. Sir Ziauddin Ahmad who can deal in astronomical figures.

**Maulana Zafar Ali Khan:** The Honourable the Finance Member says that the purchasing power of the people has gone up. The fact of the matter is that the purchasing power of the capitalists, the contractors and the Government has gone up. The purchasing power of the ordinary man in the street has not gone up. The purchasing power of the clerical staff of the Government of India has not gone up. The salary remains the same and the prices of commodities have gone up by 51 per cent.

**Major Nawab Sir Ahmad Nawaz Khan (Nominated Non Official):** What is your proposal to remedy it?

**Maulana Zafar Ali Khan:** Tax all the Nawabs and Rajas and all the capitalists. But the Finance Member is going to levy the income-tax on the poor man who is earning from Rs. 1,000 to Rs. 2,000 a year. I think he should reconsider his decision. I hope he will not lay himself open to the criticism that because the Congress is not here and because the Muslim Leaguers' Benches are half empty and because these Benches are half-hearted, he can carry things with a high hand. So, I ask Sir Jeremy

Raisman in the name of India and in the name of everything that is just and reasonable that when the deficit of 45 crores is to be met it should be met by borrowing money from America. Why do you add to the financial burden of poor people with small means by saddling them with an additional tax of 12 crores. Why are you for instance increasing the rates of postage from five pice to six pice? That will not do you much good. That is only a flea-bite. When you can borrow 35 crores of rupees and when your borrowing capacity is unlimited, why not borrow another 12 crores of rupees. Do away with these 12 crores of rupees and you will be doing a great service to the people of India and we will be grateful to you.

I do not wish to say anything more. I hope you will earn our gratitude by reconsidering your decisions and doing away with the 12 crores of rupees and borrowing it from America.

**Major Nawab Sir Ahmad Nawaz Khan** Sir, I rise to congratulate the Honourable the Finance Member for the chief and important feature of this year's budget, namely, that it does not affect the poor man's pocket. At such a critical time it is very difficult to prepare such a budget that everyone should welcome it. It has been never the fate of any Finance Member ever since I have been in this House that the budget has been passed without any criticism nor has it happened in any other country. The chief feature of the budget which makes the masses and the classes equally grateful to the Finance Member is that it does not affect badly the poor man's pocket. If we look at the budget calmly, coolly and impartially we will see that in the present circumstances it can be called a well-balanced budget. No man has been able to suggest a better budget than that. It is easy and it has always been the fate of every budget to be criticised. There is nothing new in what we are hearing today. The Finance Member, in my opinion, has done a great service to the Government and to the classes and the masses of India by avoiding so far as lay in his power to touch the pocket of the poor man. Every Government tries to make the masses and the classes contented. Many members will criticise the budget and will bring forward suggestions for various improvements and many members will praise it from different points of view. But the chief feature of it is that it has not touched the poor man's pocket. This point should not be overlooked and it should be appreciated by the House. With these few words, I resume my seat.

**Dr P N Banerjee** (Calcutta Suburbs Non-Muhammadsan Urban) Sir, the present budget is a war budget and it is the duty of all of us to consider the budget proposals with the seriousness which the gravity of the war situation demands. The expenditure of the country has enormously increased since the commencement of the present war. In the budget for the ensuing year, it will amount to no less than 187 crores. If we accept 80 crores as the normal expenditure of the Central Government, the excess of expenditure over the normal amounts to no less than a figure than 107 crores. Out of this 97 crores accounts for the excess of defence expenditure and ten crores represents the excess of civil estimates over the normal. Now, the civil estimates also are connected directly or indirectly with the defence expenditure. Therefore, we may take it that the excess expenditure over the normal will be well over 100 crores.

[Dr P N Banerjee]

This is a huge figure. But when we have to keep our enemy outside the country, we should not grudge any expenditure, however large it may be, if that expenditure is to be considered as essential for the war needs.

Sir, the deficit amounts to 47 crores. How does the Honourable the Finance Member propose to meet it? He proposes to meet this deficit by a combined method of taxation and borrowing. I agree to this principle, because the war is being fought not only for the benefit of the present generation but for the benefit of the posterity. Therefore, it is right and proper that posterity should bear a portion of this war expenditure as well as the present generation. It is thus quite justifiable that 35 crores of the deficit should be met by means of loans and 12 crores by means of additional taxation. It may be said that the greater part, that is nearly three fourths, is being met by loans and only one-fourth by means of additional taxation. But the answer to that is that in the last two Budgets, the Honourable the Finance Member met the greater portions of the deficits by means of taxation and smaller portions by means of loans. Therefore, the time has come to adopt a system of counter-balancing. Taking it as a whole I do not think it calls for any adverse comment.

But when we come to the Honourable the Finance Member's actual proposals for taxation, we must express our dissent in respect of some of the items. It is our incumbent duty to examine the proposals for additional taxation. We find that the burden of additional taxation will fall on all classes of population from the very rich to the very poor. So far as the surcharge on imports is concerned, it will affect adversely not only the rich, not only the middle classes, but also the poorer sections of the community. Perhaps this surcharge will affect the poorer sections of the community to a larger extent than the richer classes. Besides, it is my definite opinion that an all-round surcharge is a clumsy way of taxation. It is an undesirable method of raising money. It is not the correct method of taxation. It is wholly unscientific and the revenue raised is not in any way commensurate with the sacrifices which are undergone by different sections of the community. Then, I come to kerosene. This is an article consumed by the poorest people and it will be a severe blow to their financial position.

Coming to direct taxation we find that the Honourable the Finance Member proposes to reduce the exemption limit from Rs 2,000 to Rs 1,000. This is not at all justifiable because those who have an income of between Rs 1,000 and Rs 2,000 are persons who belong to the lower middle classes. This class has been hit very hard by the rise in prices and it has been subjected to various sorts of taxation during the last two years. Therefore, I would urge that this item of taxation should be removed from the Finance Bill as well as the item on kerosene.

Then, again, Sir, the Honourable the Finance Member wishes to enhance the price of the envelope. Who use these envelopes? Envelopes are used by the middle classes as well as by the rich, and even the poorer sections of the people use them for communicating confidential information. Therefore, Sir, this burden also falls on the poorer classes to some extent. I urge this item should also be omitted from the Finance Bill.

Now, a great deal has been said about the increase in the spending power of the people. I do not wish to add to what has been said, but I

wish to point out that this increase in spending power has not extended to all classes of the population evenly. Those who have fixed incomes have not obtained any accession to their spending power at all. In fact, their position has become much worse. We all read in the newspapers yesterday that there is wheat famine in Delhi. Reports of famine and scarcity are coming from some of the other Provinces. Therefore it is clear that the accession to spending power which the Honourable the Finance Member alludes to is not evenly distributed throughout the population. He will have to consider the hardships which certain classes of the population will have to undergo and he will have to come to their rescue.

Now, if these proposals of mine are accepted, the Honourable the Finance Member will ask: How to meet the remainder of the deficit? My answer is that the remainder of the deficit can be met in three ways. In the first place, his estimates of the receipts on account of direct taxation err on the side of over-caution. I am one of those who believe that the Budget should be framed on the basis of caution, but it has always been the practice of the Government of India to adopt too much caution in framing the Budget. It has been found time and again that their estimates of revenue have always been exceeded. I am sure this will happen in the coming year also.

**The Honourable Sir Jeremy Raisman:** What about estimates of expenditure?

**Dr P N Banerjee:** Yes, I will answer that. Now, this will also happen because there have been very large arrears of assessment of excess profits. When the revenue from this source is brought wholly into account, it would be found that the estimates of revenue will largely increase.

My Honourable friend has asked me, What about estimates of expenditure? In war time, no one can say that the estimates of expenditure will not be exceeded. Estimates may have to be exceeded, if war needs demand such increase. But then he will come forward with further proposals for taxation and borrowing.

[At this stage, Mr President (The Honourable Sir Abdur Rahim) resumed the Chair.]

He need not be overcautious in the matter of either revenue or expenditure. He will have to trust this Assembly once more and ask for more funds.

My second suggestion is that, as I pointed out a few days ago, the railway estimates have also been framed on a very cautious basis and there also the estimates are likely to be very largely exceeded. The railways will be able to contribute a larger sum than 20 crores to the general exchequer.

Now, even if all these expectations are not realised, there is one expedient or rather a combination of two expedients which is sure to give him the necessary funds by which he may be able to meet the remainder of the deficit. I allude to economy and retrenchment. Last year and the year before I and many friends of mine urged this policy on Government, but I am sorry to have to say that no notice was taken of this

[Dr P N Banerjee]

suggestion This, is, indeed, an outstanding defect of the present budget and the most unsatisfactory part of the Finance Member's speech If measures of economy and retrenchment are adopted, it will not be at all difficult to find two or three crores of rupees for meeting the remainder of the deficit In fact it may come up to much more and may give him a surplus with which to meet the further war needs of Government Economy has two aspects In the first place you will have to make savings in the administrative expenditure of the different departments of the country It is well-known that a great deal of waste occurs in the various departments including the Department of Supply Then, again, it cannot be denied that a large amount of avoidable expenditure is being incurred by the Government of India Looking at the Public Works budget we find that buildings are being constructed during war time at very high costs in order to find accommodation for Government servants, at Simla and at Delhi This, Sir, is not essential in a time of war, and such expenditure can easily be postponed till the termination of the war

I now come to the other point, viz, retrenchment It is very sad to find that even in the third year of war Government have not thought fit to adopt a system of cut on a graduate scale in salaries above a certain minimum, say, Rs 250 If that is done, the Honourable the Finance Member will find a good few crores of rupees coming into his pocket Government have no moral justification for putting forward proposals for fresh taxation before they have secured economies in administrative expenditure,—before they can show to the Assembly that they have avoided all unessential items of expenditure and before they have adopted a cut in the salaries of all their well paid officers

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member has one minute more

**Dr P N. Banerjee:** I will say a word about repatriation The policy adopted by Government in this regard is a sound one, but if Government had been more careful and had greater regard for the interests of the country, a few crores of rupees would have been saved The manner in which the transactions were actually carried out were not very satisfactory

Sir, before I resume my seat I should like to appeal to the Honourable the Finance Member to reconsider his budget proposals and to refrain from placing heavy burdens on the shoulders of the middle classes and the poorer sections of the population

**The Honourable Sir Jeremy Raisman** Sir, I am sorry that Sir Ziauddin Ahmad has had to go away to deliver a lecture on Elliptic Functions instead of remaining here to listen to the reply to his somewhat eccentric and devious expeditions into the sphere of economic theory However, I regret that it was not open to me to go away and deliver a lecture on Greek Metaphysics which might have absolved me from the necessity of attempting to traverse the large number of points which have been raised during the discussion today But, Sir, I am a humble man and I am grateful for small mercies, and I am appreciative on the whole of the tone of criticism in the House today In particular, I recognise that nearly every Honourable Member has spoken with a full sense of



the difficulties of the situation with which we are faced, and has approached the budget from the point of view of the necessities of the war

I think perhaps I might take up first the point raised both by the Honourable the Deputy President and by Dr Banerjee about economy, retrenchment and cuts in pay. I do not think Honourable Members realise the extent to which what is called the civil side of Government is at the present time, equally with many of the Defence Services, part of the war machinery of Government. I do not think they realise, although they should, that the problems which arise in the portfolios of all my Honourable colleagues today are purely war problems, and, therefore, the staff of the Secretariat are almost entirely engaged the whole time on what is nothing else than the prosecution of the war. Professor Banerjee's attitude is, "I quite agree that in war time you have to spend more on the Defence Services. But I must ask him to curb his imagination a little further or, if he likes, to go into the Secretariat and see what the files which are being handled deal with he will find that nine out of ten of those files are concerned with urgent war problems. In fact, as the war goes on, there is virtually no civil administration in the ordinary sense. Even our old civil problems take on an entirely new complexion owing to the impact of the war. My object in emphasising this is to point out that you cannot economise, you cannot reduce the size of the machinery which you require at a time when more and more problems are crowding in upon you. I have made this clear on previous occasions, but Honourable Members themselves know the extent to which there is now a public demand for all kinds of Government control,—not only price control but additional internal security, as Mr Lalchand Navalrai pointed out, special action in regard to Indians overseas, etc. In every Department of Government new duties and new functions are called for, and it is quite impossible, at a time like this, to think that you can lop off wholesale sections of the administrative machine. From that point of view it would be not only a waste of time and energy but it would seriously upset the whole war effort of the Government if one were to think in terms of pursuing an active retrenchment policy. In fact, I make so bold as to say that a course like that is quite impracticable and impossible at the present time. But it is said

'Even if you cannot retrench, even if you cannot reduce the number of your administrative posts and of your clerical posts, you can reduce their pay.' Well, Sir, I want to deal with this rather carefully. Professor Banerjee said 'Well, take everybody from Rs 250 a month upwards and apply a percentage cut.'

**Dr P N Banerjee** On a sliding scale

**The Honourable Sir Jeremy Raisman** Yes, on an ascending increasing scale. Well, Sir, as one who has indulged in the doubtful pleasure of applying the axe to his own salary on a purely voluntary basis, I think I can approach this matter from a more or less detached and objective point of view and with no special desire to protect or shelter anybody from reasonable economy.

Now, we will take a man, say, whose income is Rs 500 a month. His annual income is Rs 6,000. Now, I suppose Professor Banerjee

[Sir Jeremy Raisman]

will suggest that in addition to all the taxation which is levied on a non-official or a non-salaried person, he should also suffer a reduction of, say, Rs 600 in the year in his income. Now, let us look at it from the point of view of equity. I am prepared to say from my observations of the effect of the war on the economic position in India that of all the individuals who may be occupying a particular income class—we will say between Rs 5,000 and Rs 7,000—that the ones who are most likely at the present moment to have suffered from the impact of the war will be your salaried people. Those are the individuals whose income has probably remained more stationary—probably less in excess of the pre-war figure—than that of any other occupants of that class. Well, you take a small merchant or a businessman. I am prepared to state categorically that 95 per cent of businessmen whose income at this moment is between Rs 5,000 and 7,000 were enjoying an income of not more than Rs 2,000 or 3,000 before the war.

**Dr P N Banerjee:** Not business alone. All sorts of people.

**The Honourable Sir Jeremy Raisman:** Well, here you have an income class which is composed, particularly, of certain types of individuals on a relatively fixed scale, and on the other hand you have the general mass of non-officials whose incomes are varying. At the present time, the incomes of non-salaried earners are subject to very great fluctuations and what I am asserting is that the vast majority of those incomes have been subject to very powerful upward fluctuation. Now, what Professor Banerjee would do is that he would carefully select the individuals in any income class who are most likely to be on the same income as they were before the war and he would subject them to a specially severe dose of taxation.

**Dr P N Banerjee:** In the higher grades.

**The Honourable Sir Jeremy Raisman:** Where is the equity of that? Now, he says, not in the lower grades but in the higher grades. I would say to Professor Banerjee that I do not care where you pursue this argument through the whole scale (except that I do not know of any salaried occupants of the thirty lakh grade), but wherever you go through this scale I am prepared to say—and the further you go the more will this apply—I am prepared to say that, what I may call the occupants of these income classes, that the salaried occupants and, particularly, the Government members of those classes are people whose income has increased less, who have been more affected by the changes since the beginning of the war than any other occupants of those classes. Now, why in the name of justice or equity should you thereupon seize upon those particular individuals who, I may say, are very gladly bearing their share of the burden of the war both in the way of taxation and of additional heavy-burdens of work, why should you select them and say to them, "Well done, thou faithful servant. You will get a special cut in salary, of 15 or 20 per cent in addition to the increase in the income tax and the surcharge."

**Dr P. N. Banerjee:** Because they are over-paid in comparison with the salaries drawn in any other occupation.

**The Honourable Sir Jeremy Raisman** Now, I am afraid Professor Banerjee is being driven from pillar to post

**Mr President** (The Honourable Sir Abdur Rahim) Dr Banerjee has had his say already

**The Honourable Sir Jeremy Raisman** He started off by criticising one thing—and now he is being driven from pillar to post—and he is now taking me into ancient history about the adequacy or the excessiveness of the scales of pay. I am afraid I cannot follow him there, but I think I have demonstrated

**Maulana Zafar Ali Khan** Excuse me, Sir, for this interruption but I should like to know that while the war is proceeding what right has a capitalist to earn Rs 10 000 a month whereas the same privilege should be denied to a Government servant?

**The Honourable Sir Jeremy Raisman** I understand that the Honourable Member is supporting my argument

**Maulana Zafar Ali Khan** Yes, I am supporting your argument

**The Honourable Sir Jeremy Raisman** Well, I welcome that

**Sir F E James** (Madras European) He has been driven from post to pillar

**The Honourable Sir Jeremy Raisman** Sir, I was saying that from my observation of the effect of the war on the position of various types of individuals, I can assure Dr Banerjee that the cases which most excite my emotions as Chancellor of the Exchequer are not the cases of salaried officials or any other kind of salaried persons and there are many types of cases that come to my knowledge in the course of my ordinary work and, in my opinion it would be a monstrous thing—nothing short of monstrous—that at the present time we should select the salaried official for a specially heavy dose of sacrifice. I would only like to add that although the position of the official has certainly not improved since the beginning of the war, it is my experience that in contributions to various kinds of war funds and so on, he has played a noble part

I must come now to my friend, Mr Jamnadas Mehta. He accused me of living in a world of dreams. I thought that was a peculiarly appropriate phrase because in relation to his observations on the subject of repatriation it was exactly the word which I needed in order to hit off his own position. He was living in a world of dreams. But he finds that I am obsessed by a sort of complex about the question of purchasing power and the effect on the price level, and Sir Ziauddin Ahmad, who at this moment is dealing with elliptic functions also had something to say about my views on this matter. Now, I do not wish to outline any recondite theory on this subject—I do not pretend to be a metaphysical economist. I think that this question can really be studied in very simple terms, and in a manner which must come home to every one of us who is familiar with the ordinary transactions of buying and selling every day.

[Sir Jeremy Raisman]

The position is, as we all know, that certain types of goods are more and more difficult to get. The supply of them gets less and less. Now, even if there had been no change whatever in the incomes of any class of people, that in itself would clearly tend to cause a rise in prices because the volume of demand would remain the same as before, and the supply would be less and would be inadequate to the demand. That is why, as my Honourable friend, Mr Jamnadas Mehta, quite rightly points out, the index figures of the cost of living have risen. It does not matter whether people have been receiving larger incomes or whether the goods which they wish to buy have been growing less in quantity or whether both those things have been happening at the same time. But what is clear is that in a situation like that prices will tend to rise. The fact is that there are not enough goods there for people to buy, who want to. What shall you do? Mr Jamnadas Mehta says 'You are suffering from an illusion. You are dreaming a bad dream.' I say to people in that position 'You will consult your own interests best if you try and postpone your claims for certain kinds of goods, if you do not continue to buy, to scramble for a constantly dwindling supply of certain types of commodities.'

**Mr Jamnadas M Mehta** Even about food?

**The Honourable Sir Jeremy Raisman** Even in the case of food supposing for the sake of argument that the amount of wheat that is available is three fourths of what the people require, will it do you any good if you give the people twice as much money? Will it make any more wheat? Would it not be better to make people realise, in a situation like that, that for the time being they had better try and consume three fourths of the quantity of wheat and put their money aside? Is not that a sensible, the only sensible thing to do? I do not care how many labour unions Mr Jamnadas Mehta may represent, or what may be his care for the workmen of India, he cannot get away from that simple fact, that you cannot do anything for those people, it is no use giving them more and more dearness allowances the wheat is still 75 per cent of the amount which they require, and no amount of coin will make that wheat any more.

That is really the point at issue, it is a perfectly simple point and it does not involve any very elaborate economics and when Mr Jamnadas Mehta says that I am possessed by an illusion, I can only reply that he is living in a world of dreams. The same point was raised by other speakers and I do not think it is necessary for me to go over the same ground. It is a matter which unfortunately, is as plain as it could possibly be, and I claim that in this as in other matters I have always had regard to the interests of the small man and that I still am consulting his best interests when I say that he should be assisted at this time to save and put his purchasing power aside for the time and try and adjust himself to the situation in regard to the supply which exists. I entirely agree with Mr Sivaram that what we want is to increase production as far as we can of food grains and also of the simpler types of cloth. But we have to remember that we also have to deal with the question of production for the war effort. We have to feed the soldiers, we have to

clothe them, we have to house them. As I pointed out in my budget speech, that is a tremendous task, and it is entirely in addition to all the things we had to do before, and you cannot maintain the standard of supply for civil purposes at the same time as boost up and sustain your war effort, there must be a shortage somewhere and it is in relation to that that the necessity of restricting civil consumption arises.

Now, the Honourable the Deputy President and other speakers touched on the question of industrialisation. Mr Lalchand Navarai, for instance, wished to know what expansion there was in non-defence industries. So far as the war is concerned, I am surprised to find that the list which was given to him in answer to his question contained as many as 62 examples of industries which had been established, which were not directly for war purposes.

**Mr. Lalchand Navarai:** Too small.

**The Honourable Sir Jeremy Raisman:** On the contrary, I entirely disagree with my Honourable friend. The paramount need of the moment is to gear the industrial potential of this country to the war effort, and I should have thought that with the setting up of other industries, although they might be possible without diversion of machinery or man power or skill, that diversion would tend, if anything, to obstruct the maximum war effort. But he asked another question. He wished to know to what extent the defence industries which are now being built up will survive in the post-war period. Well, I cannot now attempt to indicate a solution of the problems which will arise after the war. But I think it is clear that if India is in a position now to produce certain types of goods, then she should be in a better position, after the war, to switch over to the production of goods of civilian demand than she would be if she had not undergone an industrial expansion during the war. After all, to take the simplest type of case, supposing your supply of electric power in a particular place has been doubled for the purpose of war industry, you will still have that doubled supply of electric power after the war. And it means that you are half way at any rate towards the establishment of your civilian industry, because if you did not have the extra power, you could not begin with your civilian industry. That is merely an example. For the present, we have to concentrate on industries which are of importance for the war effort, but that is not inconsistent with post-war industrialisation. On the contrary, it cannot, in my opinion, but help that process.

Mr Lalchand Navarai also asked whether the whole of the defence expenditure of 138 crores was being spent on the defence of India, or whether a good deal of it was being spent in defence in what he called the extended boundaries beyond India. I can assure Mr Lalchand Navarai, in fact I have pointed it out in my Budget speech, that not only the whole of the 138 crores, but a very great deal more than that is being spent in the defence of India.

**Mr. Lalchand Navarai:** Is that within India or within the extended boundaries?

**The Honourable Sir Jeremy Raisman:** Within India proper, not within the extended boundaries.

[Sir Jeremy Raisman]

Now, Sir, there has been criticism apart from the doubt about what I might call the point of economic theory. It has been suggested that this is a Budget which bears hardly on the poor. Sir, I claim that that is entirely incorrect. I do not know whether Honourable Members have studied the table which has been put at the end of the Explanatory Memorandum and which shows the percentage which the new direct taxation bears to the scale of income in each case. That is a highly progressive scale. It starts with a very modest percentage and it proceeds to a very formidable height. It is a scale which in normal times would have been regarded as very advanced even in the most, well, I might say, socialistically inclined countries. I doubt whether taxation so steeply progressive as that existed in any country a few years ago except perhaps in Soviet Russia,—I doubt whether anything as this would be found anywhere else,—and the remarkable thing is not merely the height at the top end, so to speak, but the extreme lightness of the percentage in the lower reaches. I do not know how Honourable Members who make the criticism conceive that the war could continue to be financed to the extent that it has to be financed by taxation. A careful study of this table will show that the scope for what is called 'soaking the rich' has now practically disappeared, and that further advances in taxation must inevitably take the effect of calling for greater sacrifices from the middle classes, the lower middle classes and even the poor.

Now, I understand that the poor man in this country is not a man whose income is between a thousand and two thousand rupees. I understand that the poor man in this country has an income which is not even between one hundred and two hundred rupees a year. We have to remember the background of that scale when we are talking about taxation lying heavily on the poor in relation to the economic structure of India, and persons in the scale of incomes between a thousand and two thousand rupees a year are very definitely in the middle class, and if we are not to call upon people at that stage to make a contribution in a time of intense national emergency, then I don't see how you are to make a broad based scheme of taxation at all. And here I would remind critics that, in dealing with the Budget, they should take into account what has not been done as well as what has been done. There are types of taxation to which one's mind inevitably turns, to which resort can justifiably be had in times such as these. We have not resorted to such taxation. We have not, for instance, increased the salt tax because we felt that the increase in the national income has taken place in classes and in reaches which should be called upon first before we thought of increasing the cost of an absolute necessity of the very poorest. It is true that there are certain features of this Budget which must bear on the income even of the poorest classes, but that is inevitable if any attempt is to be made to deal with the problem in a comprehensive way. Now various Members have hinted or referred explicitly to other kinds of taxes. I can assure Honourable Members that every kind of possible tax has come under review, and that if we have not adopted other alternative means of taxation it is not because we have not thought of them, but because they are less suitable at the present time. I can hardly discuss the merits of particular suggestions, because I don't wish to queer the pitch, so to speak, for myself at any future date but one

of the things that you have to bear in mind is this. The taxation of certain commodities merely means the transfer of money from one pocket of Government to another. If the far greater part of the production of a particular commodity is already being used by the Government then to put an excise duty on it merely means that you increase the price of it for yourself and you swell the accounts, but you receive very little revenue. If in addition a tax of that kind is a new one difficult to administer, if it involves the jurisdictions of States as well as of British India, then a little reflection will show that it may not be worth while to do anything about it.

Sir Henry Gidney referred to alternative taxes. I hope he does not think that liquor has not been touched in this Budget because he himself will get an unpleasant shock when he buys his next bottle of whisky.

**Lieut.-Colonel Sir Henry Gidney** I don't drink whisky.

**The Honourable Sir Jeremy Raisman** We will find the same thing applies—I do not know whether he smokes.

**Lieut. Colonel Sir Henry Gidney** No cigarettes.

**The Honourable Sir Jeremy Raisman** I am glad that he has reached a highly abstemious and ascetic stage. Since he has no vices, no taxable vices, since he indulges in no objective luxuries, I cannot reach him. But I can assure him that the suggestions he has mentioned are suggestions which we have borne in mind and that if we have rejected them it is for good and sound reasons. He mentioned death duties. That is a form of tax which we very carefully investigated before the war. I may say that actually the revenues from death dues would be I think almost entirely, if not entirely, provincial and therefore it would do nothing to solve my particular problem. But there are very many other factors in that problem. It is a very complex problem, and we looked into it very carefully before we put it aside at the time when the examination was made. I can assure Sir Henry Gidney that one of the last things that I would take on in the middle of my wartime preoccupations would be the introduction and administration of a new tax such as death duties.

**Sir F. E. James** The Honourable Member can now expire!

**The Honourable Sir Jeremy Raisman** He can expire with complete equanimity!

**Lieut.-Colonel Sir Henry Gidney** I suppose you will then perspire!

**The Honourable Sir Jeremy Raisman** I am already perspiring. Mr. Jamnadas Mehta and Prof. Banerjee both had some criticism to make of the scheme of repatriation. Well, Sir, I hope I am not a conceited man, but I would like to invite Mr. Jamnadas Mehta and Prof. Banerjee to a conference at which they would show me how these transactions could have been carried out on an economy of even Rs. 10 over the way they were carried out, or how they could have been done in any other way.

[Sir Jeremy Raisman]

more to the advantage of this country. In fact, I will say, so far from claiming full credit for it—I would say as regards the transactions, that there is a good deal connected with them which can only be attributed to good luck. It has been possible to carry out these enormous transactions in a way which is so satisfactory from the point of view of India that nobody can claim the whole credit and a certain amount must definitely be assigned to the goddess of Fortune but I am quite certain from my inside knowledge of all the details of these transactions that neither Mr Jamnadas Mehta nor Prof Banerjee nor a committee of five of such sitting together could possibly have done it any better.

**Mr. Jamnadas M. Mehta** I am a candidate for that Conference Dele-

**The Honourable Sir Jeremy Raisman** I am afraid I cannot offer you any accommodation in the Finance Department.

**Mr. Jamnadas M. Mehta** When did you then challenge a conference?

**The Honourable Sir Jeremy Raisman** I am prepared for any private research by yourself.

**Mr. Jamnadas M. Mehta** You wanted a conference.

**Mr. President** (The Honourable Sir Abdur Rahim) Order, order. The Honourable Member is not in his seat.

**Mr. Jamnadas M. Mehta** He challenged me, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member must go back to his seat.

**Mr. Jamnadas M. Mehta** I am sorry. I am very sorry.

**The Honourable Sir Jeremy Raisman** I am sorry that I cannot resolve my Honourable friend, Mr Sivaram's perplexities on the subject of lease-lend. I am afraid that nobody, not even the most exalted personages in the highest circles in the country where this idea originated, could entirely solve those perplexities at this moment. The simple fact is that a good deal has been left to the good sense of the future, and, therefore, whilst we hope that this may not arise in an embarrassing form at a later stage, we cannot say exactly what form the obligation may take. But we are surely at this moment in the position that we cannot look a gift horse in the mouth. If we are offered planes or tanks or aviation spirit or anything of that kind at the present time by somebody who says, "Well, we will talk about it afterwards", we surely cannot say, "Oh, no. I am not going to take these aeroplanes or tanks because I do not know what it means or what you will want from me". Actually, sufficient public announcements have been made on the subject of the intention of lease-lend, I think, to safeguard us from the most embarrassing possible consequences. Mr Sivaram questioned why the value of the articles received should not be treated in effect as a reduction of revenue expenditure.



That is quite a reasonable suggestion, but at the present time, in addition to other uncertainties there is the difficulty of allocating the value of these goods between ourselves and His Majesty's Government. Although goods which are the subject of lease-lend may come to India, it does not mean that they are necessarily a credit against that portion of the defence expenditure in India which is debitable to the Government of India. It may be that they may have to be settled against the much larger defence expenditure which is incurred by His Majesty's Government. For these reasons, I do not think that, even if I were to set out to take credit for the value of the lease lend articles used entirely in India's defence, it would make at this moment an appreciable difference to the budget prospects, nor—and this is the point at issue—will it enable me to relax any of the burdens which I am, unfortunately, compelled to lay upon the country at this time.

Sir, I think that I have touched on most of the main points which were raised in the discussion. I once more thank the House for the satisfactory reception which they have given to my budget speech.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 5th March, 1942.



## LEGISLATIVE ASSEMBLY

Thursday, 5th March, 1942

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair

### STARRED QUESTIONS AND ANSWERS

#### (a) ORAL ANSWERS

#### EMERGENCY COMMISSIONS TO NON-ENEMY EUROPEANS IN ROYAL ARMY MEDICAL CORPS

118. **\*Mr. Govind V. Deshmukh** Will the Defence Secretary please state

- (a) if the Royal Army Medical Corps in India has been thrown open to medical practitioners of non-enemy European descent, whether British subjects or not, for emergency commissions, if so, what the grounds for doing so are, and
- (b) how many medical practitioners of non-enemy European descent and from which countries have been given emergency commissions in India?

**Sir Gurunath Bewoor** (a) It is possible in exceptional circumstances for non-British subjects to obtain emergency Commissions in the Royal Army Medical Corps. The policy in this matter is laid down by His Majesty's Government who control all matters affecting recruitment to the Royal Army Medical Corps.

(b) None

**Mr Govind V Deshmukh** Has not the policy been modified in view of the war situation and the scarcity of getting the practitioners?

**Sir Gurunath Bewoor** I mentioned, Sir, that the policy regarding the recruitment to the R A M C is controlled by His Majesty's Government, and not by the Government of India.

**Mr Govind V Deshmukh** Was it not the policy of His Majesty's Government before the war to take Europeans from all countries?

**Sir Gurunath Bewoor** The War Office policy permits of recruitment of non-enemy doctors who are not British subjects, to emergency Commissions in the Royal Army Medical Corps in order to maintain establishments of the Corps overseas, whether in India or anywhere else.

**Mr Govind V. Deshmukh:** May I ask since when this policy is being followed?

**Sir Gurunath Bewoor** I am not aware of it

**Mr N M Joshi** May I ask if these Commissions are open to Indians?

**Sir Gurunath Bewoor** I believe a certain number of Indians in England have joined the Royal Army Medical Corps.

**Mr N M Joshi** May I ask why it is not open to Indians in India?

**Sir Gurunath Bewoor** Because this is a different corps and is under the War Office. We have our own corps, the Indian Medical Service.

**Mr Govind V Deshmukh** Cannot the Indians in India be admitted to this service on the same salary and conditions?

**Sir Gurunath Bewoor** The Indians are admitted to the Indian Medical Service. We can take in it as many doctors as can come forward.

**Mr Govind V Deshmukh** In view of the war situation, will the Honourable Member make a reference to His Majesty's Government that Indians in India be taken in this Corps on the same conditions and salary?

**Sir Gurunath Bewoor:** It is rather a suggestion and not a question. I have already mentioned that this is a British Service. We have our own service to which we already take our doctors. Besides, the conditions of the British Service are, I think, not much better than those of the Indian Medical Service.

#### POSITION OF EMERGENCY COMMISSIONED OFFICERS *vis a vis* CANDIDATES EMERGING FROM INDIAN MILITARY ACADEMY

119 **Mr Govind V Deshmukh:** Will the Defence Secretary please state

- (a) whether candidates admitted to the Indian Military Academy about a year ago, or such as would be admitted hereafter, have a preferential claim over persons who have been given King's emergency commissions in the Army since the year 1940, if so, what the reasons for giving them preferential claims are, and
- (b) what the position of the persons getting King's Commission in the Army is *vis a vis* the candidates who pass through the Indian Military Academy?

**Sir Gurunath Bewoor:** (a) and (b) Cadets admitted to the Indian Military Academy after January, 1940, on being commissioned are treated in all respects in the same way as other emergency commissioned officers. Cadets who entered the Academy in January, 1940, having taken the open competitive entrance examination in October 1939 were given permanent commissions on passing out. The Indian Military Academy is now on exactly the same footing as other Officers' Training Schools and no differentiation is made between cadets who graduate from the Indian Military Academy and cadets who graduate from other Officers' Training Schools and the length of the course of training is also the same.

**DISCRIMINATION AS REGARDS SALARIES TO RETIRED CIVIL SERVANTS ON RECALL FOR MILITARY DUTY**

**120. \*Sardar Sant Singh.** Will the Defence Secretary please state if it is a fact that the Indian retired civil servants when recalled for military duties are paid lesser pay than the English and Anglo-Indian Civil servants recalled and recruited in the same rank? If so, what is the difference in salaries and the reason for such difference?

**Sir Gurunath Bewoor.** Retired civil servants—Indian, Anglo-Indian or English—who undertake military duties do so voluntarily. When employed on military duties, they receive either the pay of the appointment plus 20 per cent, their pension being held in abeyance, or they receive their pension plus 25 per cent of the pension, whichever is favourable. No distinction is made as between English, Anglo-Indian and Indian civil servants, but when the retired civil servant receives the pay of appointment plus 20 per cent, a difference arises owing to the fact that the retired English civil servant draws pay as an emergency King's Commissioned Officer, while the retired Indian or the Anglo-Indian civil servant gets the pay as an emergency Commissioned Officer in the Indian Land Forces.

**ALLOWANCES TO FAMILIES OF OFFICERS, ETC., TAKEN AS WAR PRISONERS BY THE JAPANESE**

**121. \*Sir F. E. James:** (a) Will the Defence Secretary be pleased to state what allowances are paid to the wives and families of officers and men of all services who have been taken prisoners of war by the Japanese?

(b) By what authorities are these allowances paid?

(c) In the case of wives and families not domiciled in India are any special arrangements made

(i) for the education of their children, and

(ii) for any *interim* period during which the necessary formalities are completed?

**Sir Gurunath Bewoor.** (a) Wives and families of officers and men of all services who have been taken prisoners of war continue to receive the allowances or allotments arranged by the officer or soldier before proceeding on field service.

(b) These allowances are paid by the Controller of Military Accounts concerned.

(c) (i) No special arrangements are made.

(ii) Pending completion of formalities, local Military Commanders are being authorised to pay limited advances direct to families.

**Sir F. E. James.** Is the Honourable Member aware that families of officers of the Malayan Volunteer Defence Force and other similar auxiliary forces, who have been taken prisoners during the fighting in Malaya and Singapore, have now been evacuated to India? If so can he say what arrangements have been made for the payment of allowances to those people while they are in this country pending permanent arrangements being made by His Majesty's Government?

**Sir Gurunath Bewoor.** Government are aware that a certain number of people have been made prisoners and their families are being evacuated.

to India. The orders, which have been issued authorising the payment by Brigade, Area and Station Commanders of advances to families of British military service people arriving in India from Malaya, Burma, etc., apply equally to families evacuated to India of British enlisted members of military volunteer corps in Hongkong and Malaya. The amounts to be paid vary according as the local authorities here arrange for the lodging and feeding of these families, or whether they arrange for their lodging only and not their feeding, or whether they do not arrange for either and the families make their own arrangements. I would supply to the Honourable Member the detailed information if he so desires.

**Sir F E James:** With regard to the answer to part (b) of the question, I think I understood my Honourable friend to say that the authorities for the payment of the allowances were the military accounts officers concerned. Would he explain precisely what that means? Does it mean the Military Accounts Officers at the Headquarters of Commands or does it mean the Military Accounts Officers at the District Headquarters?

**Sir Gurunath Bewoor:** It means the Military Accounts Officers, the Controllers of Military Accounts who are in the different Command Headquarters.

**Sir F E James:** May I put it to the Honourable Member, as he will doubtless be aware, that this will cause a great deal of inconvenience on the basis of the existing distribution of Commands. Take, for instance, the Southern Command. The Military Accounts Officer is stationed at Poona, whereas that Command, as the Honourable Member is aware, is extremely extensive. Therefore, the families may experience great difficulty before these formalities are carried through.

**Sir Gurunath Bewoor:** That difficulty is recognised, and it is with a view to get over that difficulty, that these orders have been issued authorising the Brigade, Area or the Station Commanders to pay advances straightaway, while the Controller of Military Accounts is getting through the formalities and fixing the exact amount. It will always be open to any family which is in difficulty to approach the nearest Station Commander who will then take action.

**Sir F E James:** With regard to the answer to part (c) of the question, there are numerous cases of families including children being evacuated to this country. I understood my Honourable friend to say that no special arrangements were being made for the education of these children. Is that the case?

**Sir Gurunath Bewoor:** I do not know whether the Honourable Member is referring to the families of the recent evacuees or generally to families left in India. But I may mention that Army Children's Schools provide a free education for the children of British officers and other ranks if they desire to avail themselves of it, and such schools are opened at stations where there is any such number of children as would justify the opening of such a school. As regards the other children the Educational Commissioner with the Government of India has issued a pamphlet which gives

details of the various educational facilities available in the whole of India at various stations, and if the Honourable Member would like it, I would let him have a copy and copies can also be had from the Educational Commissioner with the Government of India. As regards the evacuated families, the idea at present is to evacuate them to their home country as soon as may be convenient.

**Sir F E James** I am much obliged to my Honourable friend for the information. Would his Department take steps to see that the information with regard to educational facilities available is made fairly widely known through a Press Note or something along that line? It would very greatly relieve the anxiety with regard to children on the part of those who are temporarily stationed in India.

**Sir Gurunath Bewoor** I will do that.

#### WAR EXPENDITURE SETTLEMENT BETWEEN THE INDIAN AND HIS MAJESTY'S GOVERNMENTS

**122. \*Dr Sir Ziauddin Ahmad:** (a) Will the Honourable the Finance Member please state what is the agreement between the Indian Government and His Majesty's Government about the financial settlement on war expenditure?

(b) Is it a fact that the cost of all the articles purchased by the Supply Department for His Majesty's Government is debited against the Defence Department at present?

(c) If the answer to part (b) above be in the affirmative, will Government show in the Defence Budget the liabilities of the British Government?

**The Honourable Sir Jeremy Raisman:** (a) The attention of the Honourable Member is invited to the Budget Speech for the year 1940-41 in which the agreement reached between the Government of India and His Majesty's Government in regard to the apportionment of defence expenditure during the period of the war has been fully explained.

(b) No.

(c) Does not arise.

#### LORRY ACCIDENT ON READING ROAD, NEW DELHI

**123. \*Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Home Member be pleased to state if there was any lorry accident resulting in deaths on the Reading Road, New Delhi, in front of the Sanatan Dharam Temple otherwise known as Birla Mandir?

(b) How many persons were killed in that accident?

(c) Is he aware that there is great vehicular and pedestrian traffic in front of the Birla Mandir and Hindu Maha Sabha?

(d) Is he prepared to consider the desirability of diverting the lorry traffic to the Maude Road from that portion or the Reading Road which lies in front of the two buildings mentioned above between the crossings of Havelock and Scindia Roads? If not, why not?

**The Honourable Sir Reginald Maxwell** (a) Yes. The accident occurred on the 5th September, 1941, when a lorry in attempting to avoid a child who was in the roadway struck three persons sitting on the pavement.

(b) Three.

(c) Yes.

(d) The possibility of diverting heavy traffic to avoid this portion of Reading Road has been considered more than once by the Delhi Provincial Administration but no satisfactory alternative route is available. The suggestion that traffic should be diverted to Maude Road is impracticable as like the Scindia and Havelock Roads, it is also a narrow road passing through a residential area.

**Mr Lalchand Navalrai** May I know from the Honourable Member if this accident was purely an accident, or was the lorry driver liable for causing this accident?

**The Honourable Sir Reginald Maxwell** He was liable in the sense that he was driving the lorry which struck the people in his attempt to avoid a child who was in the roadway. I do not imagine he was to blame.

**Mr Lalchand Navalrai** It was not on account of his negligence?

**The Honourable Sir Reginald Maxwell** From the account I have received it does not suggest negligence. I am not acquainted with the full details. If the Honourable Member wants to know the full details, I must ask for notice.

**Mr Lalchand Navalrai** Was the road at that time overcrowded? Is the road a narrow one?

**The Honourable Sir Reginald Maxwell** I have said the road is a narrow and crowded one.

#### REVISION OF SCALES OF PAY FOR INDIAN CIVIL AND POLICE SERVICES

124 **\*Qazi Muhammad Ahmad Kasmi** (a) Will the Honourable the Home Member be pleased to state whether revised and lower scales of pay have been enforced for the new entrants to the various services under the Central Government with the exceptions of the Indian Civil Service and the Indian Police Service?

(b) Is he prepared to state the reasons for making these exceptions?

(c) If the question of revising the scales of pay of these two services is under consideration, is he prepared to state since when it has been under such consideration and when Government is likely to come to a decision?



(d) When were the revised scales of pay for the other services referred to in part (a) above enforced?

**The Honourable Sir Reginald Maxwell** (a) Yes, except in the case of certain Services

(b) The question of the revision of the rates of pay for new entrants to the Indian Civil Service and the Indian Police was exhaustively considered along with the question of the revision of the scales of pay for new entrants to the various services under the Central Government. It was ultimately decided by the Secretary of State that the question should be deferred until the future recruitment to, and conditions of service of, these Services came under general review.

(c) The question is not under consideration at present.

(d) In September 1933

**Lieut.-Colonel Sir Henry Gidney** Will the Honourable Member please state whether he is aware of the fact that similar old scales of pay are given to subordinates who are recruited from England for railways called covenanted hands.

**The Honourable Sir Reginald Maxwell** I am not aware of that.

**Lieut.-Colonel Sir Henry Gidney** Will the Honourable Member please take notice of that?

**The Honourable Sir Reginald Maxwell.** If the Honourable Member would put down a question, I will find out whether it is relevant to the Home Department.

**Lieut.-Colonel Sir Henry Gidney** It is a central service and so it must refer to the Home Department.

**The Honourable Sir Reginald Maxwell** I have said that revised rates of pay were introduced except in the case of certain services. The services in respect of which it was not introduced were the Zoological Survey, Class I Survey of India, Class I, the Indian Ecclesiastical establishment, the Medical Research Department, Military Assistant Surgeons in civil employ and a few miscellaneous posts.

**Lieut.-Colonel Sir Henry Gidney:** But not on railways.

**The Honourable Sir Reginald Maxwell** There is no mention of railways in my list.

#### OPENING OF A BROADCASTING STATION AT KARACHI

125 **\*Mr. Lalchand Navarai** Will the Honourable Member for Information and Broadcasting be pleased to make a statement in this House in regard to the opening of a broadcasting station at Karachi, especially on the following points

(a) when the station is likely to be opened

- (b) whether a building has been selected, if so, in what locality,
- (c) whether the construction work has started, if not, what the cause of the delay is, and
- (d) whether the required material has arrived from America or the country in which orders had been placed, if not, what steps have been taken to expedite the delivery of the required material?

**The Honourable Sir Reginald Maxwell** (a) According to the latest information, the station is likely to be ready by the 1st March 1943

(b) Yes, on Fero Road

(c) Structural modifications will be taken in hand as soon as negotiations for securing the building are complete

(d) A part of the equipment has already been received. As regards the remaining equipment, priority assistance has been arranged and the material is expected to arrive by December next

**Mr Lalchand Navarai** Has the selection of the establishment been made for this Radio office?

**The Honourable Sir Reginald Maxwell** I do not imagine that the establishment would be appointed until it was ready to work

**Mr Lalchand Navarai** Will it be by a selection board or by the officers of the Department?

**The Honourable Sir Reginald Maxwell** I want notice. This is not included in the original question

**Mr Lalchand Navarai** Will the Honourable Member consider the advisability of confining the selection of the establishment to the local people?

(No answer)

#### STATEMENTS LAID ON THE TABLE

*Information promised in reply to unstarred question No 33 asked by Mr Lalchand Navarai on the 7th November, 1941*

#### RETURNS OF INCOME, ETC, IN RESPECT OF THE INCOME-TAX OFFICES IN THE SIND AND BALUCHISTAN ASSESSMENT RANGE

- (a) (b), (c) and (e) The attached statement contains the information required
- (d) Exact figures are not readily available but notices are generally issued under these sub sections in the majority of cases
- (f) The information is not readily available

Name of Income tax Office	Part (a)				Part (b)										Part (c)										Part (d)	
	No. of returns furnished in time in which no default was made under S 22 (1)	No. of returns assessed in time in which no default was made under S 22 (1)	No. of returns assessed in time in which no default was made under S 22 (1)	No. of returns assessed in time in which no default was made under S 22 (1)	No. of returns assessed in time in which no default was made under S 22 (1)	No. of returns assessed in time in which no default was made under S 22 (1)	No. of returns assessed in time in which no default was made under S 22 (1)	No. of returns assessed in time in which no default was made under S 22 (1)	No. of returns assessed in time in which no default was made under S 22 (1)	No. of returns assessed in time in which no default was made under S 22 (1)	No. of returns assessed in time in which no default was made under S 22 (1)	No. of returns assessed in time in which no default was made under S 22 (1)	No. of returns assessed in time in which no default was made under S 22 (1)	No. of returns assessed in time in which no default was made under S 22 (1)	Amount of penalty paid by persons assessed in time in which no default was made under S 22 (1)	No. of cases in which penalty was imposed for not furnishing returns in time	No. of cases in which penalty was imposed for not furnishing returns in time	No. of cases in which penalty was imposed for not furnishing returns in time	No. of cases in which penalty was imposed for not furnishing returns in time	No. of cases in which penalty was imposed for not furnishing returns in time	No. of cases in which penalty was imposed for not furnishing returns in time	No. of cases in which penalty was imposed for not furnishing returns in time	No. of cases in which penalty was imposed for not furnishing returns in time	No. of cases in which penalty was imposed for not furnishing returns in time	No. of cases in which penalty was imposed for not furnishing returns in time	No. of cases in which penalty was imposed for not furnishing returns in time
I	1939-40	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41	1940-41
I T Clerk, Karachi																										
A Division Karachi																										
B Division Karachi																										
A I T O Karachi																										
I T O Hyderabad																										
I T O Sukkur																										
I T O Shikarpur																										
I T O Larkana																										
I T O Tharparkar																										
I T O Quetta																										

\*Subsequently cancelled on appeal

*Information promised in reply to part (a) of starred question No 112 and unstarred questions Nos 47, 49, 50 and 51 asked by Qazi Muhammad Ahmad Kazmi on the 11th November, 1941*

**FAILURE OF THE CIVIL PUBLICATION DEPARTMENT TO SUPPLY CERTAIN MOTOR VEHICLE RULES TO THE MOTOR TRANSPORT, LAHORE**

*Starred No 112—(a)* The following is the result of the enquiry

(i) In December 1940, the Editor, Motor Transport, Lahore, asked for the regular supply of Gazette of India containing notifications, etc., and a copy of the Motor Vehicles Rules, 1940 of Delhi, Ajmer Merwara and Baluchistan. As the separate publications of the Rules referred to were not available with the Central Publication Branch, 3 copies of the gazette, dated the 30th March, 6th April and 27th April, 1940, respectively, containing the above Rules were supplied to the Manager, Motor Transport, Lahore, on the 20th January 1941. Apparently the Manager did not look into their contents carefully as he informed the Central Publication Branch that the copies supplied were not wanted by him as they did not contain the required Rules. It may be added that the Motor Vehicle Rules of Baluchistan and Ajmer Merwara are available for sale to the public with the Traffic Branch of the Police Office, Quetta and the Secretary Provincial Transport Authority, Ajmer Merwara, Ajmer and that the Rules for Delhi are under print and will be available for sale shortly. Steps are being taken to stock a few copies of the Rules in the Central Publication Branch.

(ii) The delay which occurred in arranging for a regular supply of the gazette for which a remittance of Rs 15 was received in February 1941 was unfortunately due to the fact that the name of the Manager Motor Transport Lahore was erroneously not entered by the subscription clerk in the list of subscribers maintained in the Central Publication Branch. The Motor Transport Manager's wrong references to previous communications also contributed to the delay. Necessary arrangements have since been made for the regular supply of the gazette.

(iii) The Bengal Motor Vehicles Rules are already stated in reply to parts (b) and (c) of the question are not stocked in the Central Publication Branch. The Manager's first letter on the subject which was addressed to the Superintendent, Government Printing Press, Calcutta was wrongly delivered in the Government of India Press Calcutta. The Manager of that Press instead of sending it to the Bengal Government Book Depot passed it on to the Central Publication Branch for compliance. This letter was unfortunately lost in the Central Publication Branch.

**SUPPRESSION OF THE CLAIMS OF CERTAIN MUSLIM CANDIDATES FOR APPOINTMENT IN THE IMPERIAL VETERINARY RESEARCH INSTITUTE.**

*Unstarred No 47—(a)* One

(b) and (c) Government are unable to trace any such recommendation by the Commission

(d) There is no communal reservation in respect of these posts requiring high technical qualifications. Subject to communal preference to the extent indicated in reply to part (c) of the question the appointments are offered in the order of preference indicated by the Commission. No question of passing over Muslim candidates therefore, arises.

(e) Government have recently decided to reserve the right in filling these posts, to appoint a Muslim candidate even if he is not the first nominee of the Federal Public Service Commission, provided he finds a place in the list of candidates recommended by the Commission as suitable.

**FACILITIES FOR STUDIES IN AND OUTSIDE INDIA TO THE STAFF OF THE IMPERIAL VETERINARY RESEARCH INSTITUTE**

*Unstarred No 49—(a)* Five members of the staff of the Imperial Veterinary Research Institute applied for and were granted such facilities during the last ten years

(b) One

(c) Does not arise

## SCHOLARSHIPS FOR STUDIES IN THE IMPERIAL VETERINARY RESEARCH INSTITUTE

*Unstarred No 50*—(a) Yes

(b) Two years

(c) Rs 150

(d) Only two scholarships have been offered so far. None of these was offered to a Muslim, as no suitable Muslim candidate applied.

## PROCEDURE FOR SELECTION OF CANDIDATES FOR CLERICAL VACANCIES IN THE IMPERIAL VETERINARY RESEARCH INSTITUTE

*Unstarred No 51*—(a) Prior to 1936 appointments to clerical vacancies were usually made from candidates who applied specifically for each vacancy. Since then the procedure has been to maintain a waiting list of applicants for all such posts as they fall vacant. The Deputy Director interviews all applicants possessing necessary basic qualifications and compiles this list in order of merit paying due regard to communal reservation rules.

(b) No competitive examination is held to fill vacancies in clerical posts at the Imperial Veterinary Research Institute.

(c) Does not arise.

(d) Eleven posts. The procedure has already been explained in reply to part (a).

(e) Does not arise.

(f) Yes 39, of whom 26 were Hindus, 9 Muslims, 3 Christians and 1 Sikh.

(g) The reply to the first part is in the negative. The second part does not arise.

*Information promised in reply to starred question No 68 asked by Mr. Govind V Deshmukh on the 23rd February, 1948*

## ACCIDENT CAUSED TO AN INDIAN LADY BY A MILITARY LORRY

(a) It has been ascertained that a lorry driven by an Indian recruit, did hit a tonga. The case has been investigated and Government are satisfied that the occurrence was a pure accident and there was no intention to cause it deliberately, the driver was a novice. No cadets were concerned and the lorry contained Indian recruits.

(b) and (c) Do not arise in view of the reply given to part (a) above.

## MOTION FOR ADJOURNMENT

NON-RELEASE OF MAULANA HABIBUL RAHMAN, ex-PRESIDENT OF ALL-INDIA MAJLIS-I-AHRAR

**Mr President** (The Honourable Sir Abdur Rahim) I have received notice from Qazi Muhammad Ahmad Kazmi of his intention to move for the adjournment of the business of the Assembly in order that he may discuss a definite matter of urgent public importance, viz, the failure of the Government of India to release Maulana Habibul Rahman, ex-President of All-India Majlis-i-Ahrar who is detained under the Defence of India Rules in spite of his having become subject to serious heart attacks and partial paralysis and is being kept almost in solitary confinement in Montgomery jail. Under whose orders is this gentleman being detained?

**Qazi Muhammad Ahmad Kazmi** (Meerut Division, Muhammadan Rural) So far as I know, and so far as I have been able to enquire, he is detained under the orders of the Government of India.

**The Honourable Sir Reginald Maxwell** (Home Member) That is not the case, Sir

**Mr President** (The Honourable Sir Abdur Rahim) As regards his illness, I suppose it is the jail authorities in the first instance who are to take any steps? Is it not?

**Qazi Muhammad Ahmad Kazmi** The jail authorities do not provide sufficient allowance to call doctors from outside, and it is very difficult for him to meet the expenses himself

**Mr President** (The Honourable Sir Abdur Rahim) I suppose it is the Local Government then who have got to see that he is provided with necessary food and medical facilities. This seems to be purely a matter for the Local Government

**Qazi Muhammad Ahmad Kazmi** Is the Honourable the Home Member sure that he is not detained under the orders of the Government of India?

**The Honourable Sir Reginald Maxwell** Yes, Sir I am sure

**Mr President** (The Honourable Sir Abdur Rahim) The motion is out of order

#### ELECTION OF MEMBERS TO THE STANDING FINANCE COMMITTEE

**Mr President** (The Honourable Sir Abdur Rahim) I have to inform the Assembly that the following Members have been elected to the Standing Finance Committee, namely

- (1) Major Nawab Sir Ahmad Nawaz Khan,
- (2) Mr E L C Gwilt,
- (3) Maulana Zafar Ali Khan,
- (4) Mr Umar Aly Shah,
- (5) Mr Amarendra Nath Chattopadhyaya,
- (6) Dr P N Banerjee,
- (7) Kunwar Hajee Ismael Ali Khan,
- (8) Mr H A Sathar H Essak Sait,
- (9) Dr Sir Ziauddin Ahmad,
- (10) Mr Sayid Haider Imam,
- (11) Shams-ul Ulema Kamaluddin Ahmed,

- (12) Sardar Bahadur Captam Dalpat Singh,
- (18) Mr N M Dumasia, and
- (14) Mr T Chapman-Mortimer

### REPORT ON THE PROGRESS OF THE SCHEMES FINANCED FROM THE GRANTS FOR RURAL DEVELOPMENT

**The Honourable Sir Jeremy Raisman** (Finance Member) Sir, I lay on the table a copy of the report\* on the progress of the schemes financed from the grants for Rural Development

### ELECTION OF MEMBERS FOR THE STANDING COMMITTEE FOR THE DEPARTMENT OF SUPPLY

**The Honourable Sir Homi Mody** (Supply Member) Sir, I move

'That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five non official Members to serve on the Standing Committee to advise on subjects with which the Department of Supply is concerned'

Sir, I do not need to say more than a few words in support of this motion. When a similar motion was moved by my predecessor in office it met with a somewhat unhappy end,—the Assembly rejected it. The ground for the reject on appeared to be that several Honourable Members were not satisfied that the number of seats offered to the Assembly was adequate, and as Government did not think fit to increase the number they rejected the motion outright. I think they might have moved an amendment to increase the number of seats but they did not do it. So far as I am concerned, I am holding the olive branch to my Honourable friends and am offering five seats to the Assembly. I hope this motion will be accepted. Sir, I move.

**Mr President** (The Honourable Sir Abdur Rahim) The question is

'That this Assembly do proceed to elect, in such manner as the Honourable the President may direct five non official Members to serve on the Standing Committee to advise on subjects with which the Department of Supply is concerned'

The motion was adopted

**Mr President** (The Honourable Sir Abdur Rahim) I may inform Honourable Members that for the purpose of election of members for the Standing Committee for the Department of Supply the Notice Office will be open to receive nominations up to 12 Noon on Saturday, the 7th March, 1942, and that the election, if necessary, will take place on Tuesday, the 10th March, 1942. The election, which will be held in the Assistant Secretary's room in the Council House between the hours of 10.30 A.M. and 1 P.M., will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

\*Not included in these debates, but a copy has been placed in the Library of the House.—Ed of D

## THE INDUSTRIAL STATISTICS BILL

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar**  
(Committee Member) Sir, I move.

'That the Bill to facilitate the collection of statistics of certain kinds relating to industries be referred to a Select Committee consisting of Mr. M. V. Muhammad Abdul Ghani, Sir Muhammad Yamin Khan, Mr. Jannadas Mehta, Mr. K. C. Neogy, Raj. T. Manavedan, Mr. N. M. Dumasia, Mr. E. L. C. Gwillt, Mr. C. C. Miller, Mr. N. M. Joshi, Dr. Sir Ratanji, Dinshaw Dalal and the Mover, with instructions to report on or before the 16th March 1942, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.'

I consider, Sir, that the Bill that I have the honour to recommend the acceptance of the principle of to this House today is a very important Bill. Honourable Members have been asking innumerable questions about the growth and development of industries in this country. Some two years back when a question regarding protection to a certain industry came up for my consideration I found myself in the unenviable position of possessing little facilities for obtaining statistics of any kind, no information relating to that particular industry was available in the Government archives. I understand that in 1923 or till about 1923, there was an industrial statistics section which compiled certain statistics, but that as a result of the retrenchment then embarked upon, that section was closed and from that date there was no comprehensive organised attempt at collecting industrial statistics. There were, of course, one or two publications issued by the Director General of Commercial Intelligence and Statistics, but they referred only to certain industries. No doubt the Cotton Statistics Act gave Government the right to compel the textile industry, in particular, to furnish certain kinds of statistics, but apart from that the statistical information regarding industries which the Government of India possessed was of a very meagre character. The Department at once considered how this great gap in our information can be filled and the then Director General of Commercial Intelligence, Dr. John Mathai, was specially requested to put forward proposals with a view to obtaining statistics of industrial development in this country. His report was considered by Government and the proposal to undertake legislation was then placed before the Industries Conference which was held in December, 1939. That Conference recommended that the Central Government should undertake legislation. It is in the concurrent field of course and the Provincial Governments can undertake legislation on the subject, but for the purposes that we had in view it was essential that there should be similar statistics compiled from all provinces with reference to industries in each of these provinces. Any single province undertaking this legislation would hardly be serving the purpose that the Central Government have in view, or that the industrialists have in view, or that those gentlemen who want information about industrial development in this country and particularly economists who are surveying industrial development and want to make their own contribution to the theory and development of industrial life in this country have in view.

The proposal was then placed before the Conference of Labour Ministers, because it was essential to get the Provincial Governments to agree to such legislation. That Conference of Labour Ministers also endorsed the suggestion for Central legislation on this subject. In particular that Conference was of opinion that the collection of certain statistics relating to industries and labour was most desirable, that the collection could be done if there was statutory backing or compulsion behind it, and that the best



method by which statutory compulsion can be exercised was through an Act enacted by the Central Legislature. The Conference also laid emphasis on the fact that the value of the statistics would depend almost entirely on the adoption of a uniform procedure and uniform methods, and that if this uniformity were to be achieved the power of making rules under the Act should be subject to some kind of control by the Central Government.

The next step which the Central Government had to take was on this recommendation of the Conference of Labour Ministers to consult the Provincial Governments, and this was done. And I am glad to state that the Provincial Governments unanimously supported the proposal for the collection of these statistics by a statutory Act under the compulsory powers exercised by the Provincial Governments. As I said, in one province already, the province from which my Honourable and learned friend, Mr. Deshmukh, comes, *viz.*, the Central Provinces and Berar, there is a 'Collection of Statistics Act'. We propose to follow very closely the legislation on the subject which has been adopted by that province.

**Sir F. E. James** (Madras European) Has the Honorable Member got any assurance that the provinces will, in fact, utilise the powers which are going to be conferred on them by this Bill?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar.** The replies that I have given show that they are quite enthusiastic about this proposal, and I take it that once it has been passed they will collect the statistics.

The proposal in its final shape as embodied in this Bill which is before the House provides for the collection of statistics relating to several subjects mentioned in one of the clauses of the Bill,—all matters relating to factories or any class of factories, *i.e.*, concerns which come within the definition of the Factories Act or are declared to be such under powers conferred by that Act with particular reference to the output of their works and in some cases to the consumption of raw material. I may say that with reference to the Cotton Statistics Act itself there was a lacuna found by the Education, Health and Lands Department. It was anxious to estimate the amount of imported raw cotton used in the various mills as against indigenous raw cotton used by them. Under that Act there was no power to compel that information being provided, and that Department was considering the drafting of a Bill to enable them to do that. Now, that a more comprehensive legislation has been taken all that information can be collected and it has been found not necessary to utilise the powers under that Bill. In fact the Cotton Industry Statistics Act of 1926 may well be repealed now when this Bill becomes law.

So, it is in these circumstances that I propose that this Bill should be taken up for consideration and referred to Select Committee. I did not wish to be understood that I was rushing the legislation through and therefore I have myself moved that the Bill may be referred to a Select Committee. But, as the House will see, already two years have been taken up with all the preliminary,—and I may add, inevitably preliminary,—steps that the Government of India had to take in consulting various conferences and various Provincial Governments. I personally would like this Bill to be on the Statute-book at as early a date as possible and that is the reason why I have suggested that the Select

[**SRI A. RAMASWAMI MUDALIAR**]

Committee may report by the 16th of March. It is my hope that this Bill will go through both the Houses during the current Session.

**Mr. President** (The Honourable Sir Abdul Rahim) Motion moved

That the Bill to facilitate the collection of statistics of certain kinds relating to industries be referred to a Select Committee consisting of Maulvi Muhammad Abdul Ghani, Sir Muhammad Yamin Khan, Mr. Jamnadas Mehta, Mr. K. C. Neogy, Raja T. Manavedan, Mr. N. M. Dumasia, Mr. E. L. C. Gwilt, Mr. C. C. Miller, Mr. N. M. Joshi, Dr. Sir Ratanji Dinshaw Dalal and the Member with instructions to report on or before the 16th March, 1942, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

**Mr. N. M. Joshi** (Nominated Non-Official) Sir, I have great pleasure in supporting the principle of this Bill. I am sure the whole House will agree with the Honourable the Commerce Member that statistics are very necessary in order that the new policies which we may adopt are well founded. The subject of this Bill, therefore, is very important. Unfortunately the Government of India have taken too long to consider the question of legislating in order that we should have adequate and proper statistics on the subjects which go to form our new industrial and labour policies.

So far as I know, Sir, this subject was first considered by the Imperial Statistical Conference in 1920. After that the Bombay Government introduced a Bill similar to the one which we are considering today. That was in the year 1924 and the Government of India are following the Bombay Government now. Then, Sir, the Indian Economic Enquiry Committee which reported in 1925 also considered this subject and made certain proposals. Then the Royal Commission on Indian Labour considered this subject and made proposals on the legislation on the subject in the year 1931 about eleven years ago. Then, Sir, there was a report by Bowley and Robertson, made in 1933, which also recommended that provision should be made for the collection of statistics. Then Sir, the International Labour Conference in the year 1939 passed a Convention regarding the collection of statistics. Unfortunately, the Government of India do not take much interest in the work of the International Labour organization and decided not to take any steps for the ratification of that Convention.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar**  
Question?

**Mr. N. M. Joshi** That was in the year 1939. Then, Sir, the Honourable Member has also referred to the legislation passed by the Central Provinces Government. The only remark which I would like to make, Sir, is that the Government of India have lost their initiative. If some Provincial Government passes a legislation then only the Government of India can move. I think Sir this is a reverse process. The Government of India should take the initiative and should lead the provinces towards reform and not wait for the provinces to show them the way.

Then, Sir, the Industries Conference met in 1939 and the Ministers Conference met in 1940 and discussed this subject and we are now

considering this Bill in the year 1942 I feel that this procedure is very dictatory and the Government of India would do well if they learn to transact their business a little more promptly

I agree with the Honourable Member that legislation on a subject of this kind should be Central. In the first place, if the statistics are to be of much use for national purposes, the statistics should be uniform. Secondly, Sir, unless we have uniform statistics throughout the country, we shall not be able to undertake steps for the standardization of conditions as regards production and as regards labour legislation. From both these points of view, Sir, Central legislation is necessary.

Sir, I understand the desirability of consulting the Provincial Governments in passing legislation of this kind and the Government of India, therefore, acted wisely in considering this subject in a Conference with the Provincial Ministers. But, Sir, I could not understand this. If the Government of India introduces legislation after consulting the Provincial Governments then why should not the legislation be made applicable to all the Provinces directly by our legislation instead of power being given to them to apply it or not. I would like the Government of India to adopt a bolder policy in this matter. I have already made plain that I am not against consultations with the Provincial Governments. That consultation is necessary, but after that consultation is made, any legislation that may be passed should apply to the Provinces without power being given to the provinces that the legislation should be applied or not. I feel, Sir, that if the Government of India follow the present policy of practically leaving everything to the provinces, I fail to understand the utility of legislation by the Central Government. Moreover, if after a Conference with the Ministers, Central legislation is to be passed and that Central legislation is not to apply to the provinces, I consider that the Government of India and the Central Legislature stultify themselves. A debate in the Central Legislature becomes a mere academic debate.

I would, therefore, like the Government of India to continue their policy of consulting the Provincial Governments but after that consultation to pass legislation so that it will apply to all the provinces without any further power being given to them to apply it or not. Moreover, if power is given to the Provincial Governments to apply the legislation to that province or not, our object is not served. Our object is that there should be a uniform policy adopted by all the provinces and if certain provinces will not apply the Bill to their territories the object of the Bill is frustrated. I, therefore, suggest, to the Government of India that they should consider the remarks which I make on this subject very seriously when they bring forward legislation on similar subjects hereafter.

Considering the Bill itself, it seems to me that the Bill falls into two sections. There is a section—8 (1) (a)—which enables the Local Government to collect statistics on any matter relating to factories. The Honourable Member indicated in his speech that the statistics which may be collected regarding factories will be the statistics regarding production, use of raw material and other matters. I think that a census of production is very necessary and the statistics regarding production is very useful. The collection regarding the use of raw material too will be useful. But what I do not understand is this, that the Government of India restrict these statistics to factories only. Factory industries are not the only industries which we are developing. We are developing

[Mr N M Joshi]

mining industries, and I do not know why the Government of India should not have included mining along with the statistics for production, raw material and other things. Then there are other industries, plantations which produce tea, coffee, rubber, etc. Why should not the Government of India be interested in the collection of statistics regarding plantation industries?

**Sir F E James** And pepper?

**Mr N M Joshi** I would include pepper in the plantation industries. Then the most important statistics which we need are those regarding agriculture. I do not know why the Government of India should exclude agriculture from the purview of this Bill. I would, therefore, like the Select Committee to consider the question of giving power to the Local Governments to collect statistics as regards agriculture, mining, plantations and other industries. We should also have statistics regarding shipping, the life and conditions of seamen, regarding the work done by workers in docks, loading and unloading and the building industry. I do not wish to give a full category of all the industries regarding which we should collect statistics.

The second part of the Bill deals with the collection of statistics regarding welfare work, the welfare of labour and the conditions of labour. I take it that this part will apply to all industries and to all occupations.

I do not wish to deal with the details of the matters on which statistics should be collected, but I would like to make one or two remarks. My first remark is that this section does not make provision to collect statistics regarding the health of the workers. We have been considering the question of establishing health insurance, the Government of India have delayed the passing of legislation over health insurance on the ground of want of statistics. We are today considering a Bill for the collection of statistics, and I find that we are not providing for the collection of statistics regarding the health of the workers. I would also suggest that the Government of India should include the question of fatigue and other similar questions which affect health of workers.

As regards other details I do not wish to make any remarks at this stage, but before I close I would like to make one suggestion to the Government of India. Whether this suggestion should be put into the Bill or not I am not quite sure at this stage, but when the Government of India begin to establish machinery for the collection of statistics, they should take steps to appoint an advisory committee so that the subjects on which statistics should be collected, the methods of collecting statistics and other important subjects should be discussed, and the interests affected such as the interests of employers, the interests of labour and other interests should be consulted. I would, therefore, suggest to the Government of India to appoint an advisory committee at the Centre and also suggest to the provinces to appoint advisory committees in the various provinces in order that the work of collecting statistics should be well done. Sir, I support the motion made by the Honourable Member for Commerce.

**Dr P. N. Banerjee** (Calcutta Suburbs Non-Muhammadan Urban)  
Sir, I rise to give my whole-hearted support to this motion. After the observations which have been made by the Honourable the Mover of the

motion and my Honourable friend, Mr Joshi, I need not say anything to emphasise the necessity for collecting statistics of industry. But the collection of statistics should be in accordance with scientific method. Unless that is done, the mere collection of statistics by crude methods will not only be useless but may lead to harmful results. Therefore, I suggest, that not only in the collection of statistics but also in the classification and presentation of statistics and in the conclusions which are to be drawn from the data collected, scientific methods should be applied. How is that to be done? If scientific method is to be applied, you must have the proper machinery for this purpose, and I would advise the Honourable the Commerce Member to take the assistance of the Indian Statistical Institute. That body is doing excellent work and is publishing a journal which has become known not only in this country but throughout the world. If you take the assistance of this body, your method will not go wrong, your conduct of all the stages of investigation will be in accordance with the scientific method. This body, I may tell the House, receives a small grant from the Government of India and also a small grant from some of the provinces. You will have to increase these grants and for this particular kind of work you will have to look to the financial position of that institution. If you do that, I am sure that the collection of statistics will be conducted in a most satisfactory manner.

**Sir F. E. James.** Sir, I am sure that every one will welcome the opportunity of obtaining reliable and accurate statistics in the industrial field. This Bill introduces a new principle of compulsion. Therefore it is necessary that those who study its provisions in the Select Committee should see that there is no opportunity provided by this Bill for any harassment of those to whom this collection of statistics may be applied. It all depends on how the machinery is set up in the provinces, and I very much hope that every effort will be made to avoid duplication in the matter of collecting statistics. My Honourable friend who is in charge of the Bill knows that industries now have to supply statistics of various kinds to a number of different authorities. There is the Factories Inspector, who asks for statistics, there is the Health Department which frequently asks for exactly the same kind of statistics as those required by the Factories Inspector, there are the municipalities, there is even the Income-tax Department, there is the Labour Commissioner and I know from my own personal experience that very often three or four different authorities invite a certain industry or association to supply precisely the same types of statistics, though possibly under different heads. And now there is to be a new organization set up in the provinces to collect statistics under a number of heads which are detailed in clause 3 of the Bill. Under many of those heads statistics are already being supplied to existing authorities in the provinces, and, therefore I do hope that there will be, as far as possible, an avoidance of duplication in the matter of providing this information.

I am glad, Sir, to notice that in section 7 provision has been made to restrict the publication of returns and information, and I do hope that the Select Committee will study that very carefully to make quite sure that it is water-tight, because my friend will realise that it is essential that every feasible step is taken to prevent valuable information being supplied, as between say one industry and another or one section of the industry and another, or as to particular sections of that industry.

[Sir F E James ]

My Honourable friend, Mr Joshi, has raised an important question as to the scope of the Bill. It is called a Bill to facilitate the collection of statistics of certain kinds relating to industries. But apart from the reference to factories in clause 3 (1) (a), there is no further reference to industry as such, and I am not quite sure whether the Bill applies only to factories within the meaning of the definition referred to in clause 3 (2), or whether it applies to all types of labour employed either in urban industries or in rural industries.

There is one other point which I should like to mention at this stage, as this is the right place to mention it, and that is, how the organization, which presumably will be set up in the provinces, is to be financed. We are always suspicious of these new departments, because there has been growing in recent years a tendency for departments engaged in the collection of statistics to support themselves by the levy of fees upon those who are asked to provide the information. I could tell my friend some very interesting and somewhat startling stories as to the way in which the Factories Inspectorate in some provinces manages to finance itself. When funds are running low, the Inspector will go out into a factory and order an electric switch to be removed from one part to another and thereby earn the levy of a fee of Rs. 10 for inspection, which naturally goes to the credit of his departmental funds. I should, therefore, like to ask my friend whether this is to be a department of the Provincial Government which is charged normally upon the revenues of the province, or whether it is to be a department which, by the levy of fees, is to be regarded as self-supporting. It would be rather hard lines on the industry concerned if, as a reward for the provision of statistics probably on a large scale, it were asked to pay a fee levied for the purpose of supporting the department of statistics concerned.

**The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar.** There is nothing in the Bill to suggest it.

**Sir F E. James** I know there is nothing in the Bill, but on the other hand, there is a provision in clause 11 of the Bill whose significance I am not fully aware of—that the Central Government may give directions to a Provincial Government as to the carrying into execution of this Act in the Province. If this is one of the directions which might be included in the scope of the clause, I would suggest that my Honourable friend should order the Provincial Governments not to make this department self-supporting in the way which I have just described.

There is only one other point I should like to make. I consider that the items detailed in clause 3 need considerable revision. They should, as far as possible, be brought into line with the descriptions under which statistics are already being collected in some of the provinces, as if that is not done, there is likely to be the duplication of effort which I have referred to and which, I think, should at all costs be avoided.

**Maulvi Muhammad Abdul Ghani** (Tirhut Division, Muhammadan). Sir, this Bill deals with the collection of statistics relating to industries. In the first place, I should like to say that this is a useful piece of legislation, but I should like to point out that when statistics are collected, it will only help the Departments. No information of such collection is

given to the representatives of the people. The books of information are not supplied to Members unless some request is made for such information and it is not certain that such a request will be acceded to. I think the Select Committee will see their way to make provision to see that the collection of these statistics will also reach the representatives of the people of India. I find from this Bill that statistics will be prepared in regard to loans advanced to workers by moneylenders, rates of wages, etc. but I don't find here that statistics will be prepared as to loans advanced to agriculturists also. I think the Honourable Member in charge may say that agriculture does not come under industries, but at least sugar is brought under industry. A part of agriculture has been taken under the head of industries. Even if data is collected regarding the loans advanced to sugarcane growers or others interested in the sugar industry, it will be very helpful. I hope the Select Committee will consider this suggestion of mine that statistics may be collected in respect of loans advanced to agriculturists generally. With these few observations, I support the Bill.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar.** Mr President, I am grateful to Honourable Members who have spoken on this Bill and have given their general support to the principles embodied in this measure. My friend, Mr. Joshi, of course, represents in this House the very old and familiar character, Oliver Twist. He is always asking for more. If a Bill is introduced today, naturally the Government of India is to be censured for not having introduced it 20 years earlier. If a Bill is introduced today in one form or another, naturally the Government of India is to be censured for not having framed it in a more exhaustive form, but in this work-a-day world, we have to take things as they are and I am thankful for small mercies that his criticism has not extended over a wider field than it has today.

This Bill refers to factories and industries and it is not possible to bring in agricultural plantations and other things into the orbit of this measure. This is the first step which we are taking to have some sort of organized statistics on a compulsory basis. Let me point out, and when you have in mind the idea of compulsion, it is obvious that the Government can go only by stages, and that it cannot bring all sorts of statistical information at once into its orbit by using the methods of compulsion. Not only that, the Provincial Governments have to be taken with us in all these matters. They are the executive authorities who will have to sponsor the working of this Act, to have the necessary personnel for collecting the information, and to have all the other executive authority and executive personnel for helping us to get this Act working in the manner we desire it to be worked. Therefore, there are naturally drawbacks on the Central Government from rushing in paths which Mr. Joshi may not fear to tread. That is the reason why we have come forward with this measure in this particular form. Some helpful suggestions have been made which I have taken note of, and I hope to give my best consideration to them.

My friend, Dr. Banerjee, has suggested that in the actual utilisation of these statistics or methods to be adopted for the utilisation of these statistics or even at the preliminary stages when we have to evolve plans according to which these statistics may be collected, the Institute of Statistics which is functioning so admirably in Calcutta under Professor Mahabalananda may be utilised. I am personally aware of the

12 Noon

[Sir A. Ramaswami Mudaliar]

value of that work, I am thankful for the suggestion and I hope to avail myself of the advice of those connected with this Institute with reference to these matters.

Mr. Joshi has suggested that the advice of labour may be obtained before these forms are prescribed. I am perfectly willing to consider that suggestion also. I cannot undertake to advise the Provincial Governments as to what they should do, what advice they should get in collecting statistics. That is a little beyond my province, but so far as I am concerned, I am perfectly willing to avail myself of any advice that may be ready and at my disposal in these matters.

My Honourable friend, Sir Frederick James, raised the question of the incidence of the cost, and particularly, he was concerned whether that cost would fall on the industrial organisations. So far as preliminary and primary collection of statistics is concerned, that is a function of the Provincial Governments. Executive authority vests in them and the incidence of the cost will therefore be borne by them. Whether they will meet it from the ordinary provincial revenues or they will take it from certain sources specifically is a matter for them to decide, but I can give this assurance that I do not propose to ask them to levy any cess or any sort of taxation on industrial concerns to enable them to collect these statistics. I can also give this assurance that the Central Government which will co-ordinate and co-ordinate the statistics and publish the ultimate results of the statistics and the inferences to be drawn from those statistics does not propose to make any special levy on industries for that purpose. I must leave it there. My Honourable friend suspected clause 11 where it is said that the Central Government may give directions to a Provincial Government as to the carrying into execution of this measure in the Province. I have already said that it was our first anxiety to see uniform procedure and uniform methods adopted in the collection of these statistics. That clause relates to securing that uniformity. My Honourable friend may refer to section 126 (2) of the Government of India Act. He will find, that where the Provincial Government has got executive power—

‘The executive authority of the Federation shall also extend to the giving of directions to a Province as to the carrying into execution therein of any Act of the Federal Legislature which relates to a matter specified in Part II of the Concurrent Legislative List and authorises the giving of such directions.’

It is that function that is proposed to be exercised under clause 11 of the Bill, no more and no less.

Sir, I commend the motion for Select Committee to the acceptance of the House.

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

‘That the Bill to facilitate the collection of statistics of certain kinds relating to industries be referred to a Select Committee consisting of Maulvi Muhammad Abdul Ghani, Sir Muhammad Yamin Khan, Mr. Jannadas M. Mehta, Mr. K. C. Neogy, Raja T. Manavedan, Mr. N. M. Dumas, Mr. E. L. C. Gwilt, Mr. C. C. Miller, Mr. N. M. Joshi, Dr. Sir Ratany Dinshaw Dalal and the Mover, with instructions to report on or before the 16th March, 1942, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.’

The motion was adopted.



## THE PROTECTIVE DUTIES CONTINUATION BILL

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) Sir, I beg to move

That the Bill to extend the date up to which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect, be taken into consideration "

In one sense I feel that I owe no apology for bringing this Bill in this form, notwithstanding the criticism that was addressed to me on the last occasion when I had to take a similar step. A large number of measures assuring protection to various industries comes to an end at the end of this month, that is, March, 1942, and Government have had under anxious consideration the course that they should adopt with reference to the further measure of protection and the level of protection that may be given to these industries. Iron and steel, wood pulp and paper, cotton and silk manufactures, sugar, gold and silver thread, sericulture and among agricultural products wheat and wheat flour,—all these commodities and manufactures have had protection extended to them and the period of protection expires in most cases, except with reference to sugar, in the year 1942, and the level of protection of sugar is determined at the end of March 1942 and has to be reconsidered. I have come forward with an omnibus proposal that the present level of protection may be extended to these commodities for a period of two years. It is impossible at the present time to calculate with any certainty the level of protection that is required. In fact, one may say perhaps with reference to almost all these items no protection may be required at all under present circumstances. Not only is the cost of the imported article in most cases so high that protection is not necessary owing to freight and insurance charges and the higher price of the commodity at the other end, but our policy of import control is being so rigorously administered now that even supposing a commodity can come at a lower cost, very little of that commodity or manufactured article can enter the Indian market at the present time. So that, in one sense, it is a purely academic matter for discussion whether protective duties should be extended, and particularly, the level of duties at which that protection may be maintained. I am perfectly conscious of that fact. At the same time we are living in very uncertain conditions today. We would be a bold man who would say that, because today these are the present conditions, therefore even for the next twelve months these conditions will continue and no protective wall need be built around those industries which have already been promised that protection. It is the realisation and consciousness of this fact that has induced the Government to come forward with a proposal to carry on on the present basis notwithstanding all the factors that I have brought to the notice of the House. It is proposed that for the next two years this level of duty may be continued. It is true that this level of duty, whatever it has been up to now, is being further increased by the surcharge that has been recently suggested in the Finance Bill, and therefore, if the Finance Bill, is accepted by the House, the level of protection will be further increased. But there is no danger whatsoever that this increased level of protection will do what the last surcharge did that is, give undue protection to industries and set in the vicious circle of increased protective duties and increased protection to industries, at a higher level than what is really wanted. As I have said,

[Sir A. Rameswami Mudaliar]

import control is so functioning that very little of these commodities are coming in and, therefore, it will not have any deleterious effect in that way

I have said that in the uncertain conditions that prevail the safest course is to continue the level of protection at present undisturbed for a period of two years. I should like to make one personal observation and this is an observation which I am making in my personal capacity and not as a Member of the Government of India. In bringing this Bill I personally had another consideration also. It is given to few of us to have the capacity of seeing below the horizon and of taking note of things which have not yet emerged above the surface. I do not possess that vision. But I would like to say this that in reference to economic matters such as these it seems to me, following the trend of recent policies of various countries, that I would be doing my duty to my country by advocating that we should continue whatever tariffs we have at the present moment till more stable conditions come into existence. Unilateral disarmament in the physical and the defence fields have brought the world very nearly to ruin. The present stage in which we find ourselves is because of that very humane and very generous but very suicidal and thoughtless policy of unilateral disarmament. If for a moment I can leave the defence field and the physical field and enter into matters of economics, I feel personally that a similar unilateral disarmament in the economic field would be fraught with the greatest danger at a time when the world as a whole may have to collaborate for freer movement of trade and for greater accessibility of resources of various kinds by one country in another. Having that in mind, I venture to think that the best advice that I could give with the knowledge that I have as Commerce Member is for the country to accept this omnibus Bill to continue this level of protection at this rate for the next two years, at any rate.

We have hopes that the clouds will disperse and that we shall emerge into a brighter day. We do have the faith and confidence, whatever may be the position today, that ultimately the cause of justice will triumph and at that time I want my country to be as well armed economically as any other country will be. That is one of the reasons why I say that all our economic defences should be full and up-to-date. For all these reasons I commend this Bill to the acceptance of the House.

**Mr. President** (The Honourable Sir Abdur Rahim) Motion moved

'That the Bill to extend the date up to which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect, be taken into consideration.'

**Pandit Nilakantha Das** (Orissa Division Non-Muhammadian) Sir, after hearing the speech of my Honourable friend it appears that he was simply shelving his duty and not doing his duty to his country. Now, his arguments are in favour of not extending this protection till 1944 because the imports are strictly limited and we do not know if we shall ever have the imports of such articles as sugar and paper to compete with our indigenous products. If the Honourable Member at any time wants to levy a protective duty which is even more than what is considered necessary, there will be no difficulty to levy it by an Act or a Bill can be introduced for taking the necessary powers from the Legislature to impose any emergency duty. Instead of doing that and taking into

consideration the duties that already exist and also the fact that the prices of ordinary commodities have risen so high, and again, in spite of the fact, that over 200 crores of rupees are being spent in this country over war efforts in many parts of the country conditions of famine may prevail very soon, one really fails to understand why this Bill should have been brought before this Legislature. We have no objection to give protection if there is need for it. We are ready to give powers to the Governor General to levy any duty at any time if the country needs it or if our industries need it. Perhaps those powers are already there. But without taking note of the statistics and of the conditions prevailing in the country and the purchasing power of the people in our villages, to bring a Bill like this seems to me to be rather shirking one's duty. Perhaps the Honourable Member has got other duties to perform at this time of war when the whole Cabinet, including the Commerce Member, is engaged on war matters and I think it is for that reason that such a Bill has come before this Assembly. I should appeal to the Honourable Member to postpone the consideration of this Bill and to bring a Bill, if it were needed at all, only when there is need for it after taking into consideration the facts that will then arise. Sir, I oppose the Bill.

**Mr J Ramsay Scott** (United Provinces European) Mr President, I support this Bill. The continuing of protection gives the Government power at any time to lower or increase the protection according as the needs of industry may arise.

**Maulvi Muhammad Abdul Ghami** (Tirhut Division Muhammadan) Sir, I do not like to grudge the extension of protection to these industries for a limited period, say, up to 1944. Last year we ventilated the grievances of the sugarcane growers and it was suggested by Government that the matter will be looked into before the next protection was taken into consideration. I have come to know that some representatives or experts of the sugar industry are being consulted. The difficulty of the sugarcane grower is that in these days of paper propaganda everyone tries to pass himself as a representative or expert of that industry. The Government have no option but to take into consideration that propaganda and put such persons on the Committee and take their opinion. It often happens that these very people who pose themselves as representatives of that particular class, say, cane grower, are no other than capitalists, who are rather the enemies of the growers. So these poor cane growers who are the actual persons, who are the primary people concerned are deprived of their opinions regarding their grievances. I have bitter experience of these Committees. There is the kisan movement in the country and I have found that almost all the office bearers of this kisan movement are zamindars, not a single office bearer is a kisan pure and simple. So I am afraid that the Honourable the Commerce Member might have seen this paper propaganda and he might have made selections from such persons who try to pass themselves as real cane growers. If he will analyse, he will find that most of the people whom he has selected are either capitalists who have advanced money to run the factory or who are dealing in the business of sugar. I do not know how far he has succeeded in obtaining their opinion regarding the fair price to be fixed for the cane growers. This is an industry by which the capitalists and the Government are being benefited in these days. The Government charge some excise duty no doubt and the capitalist makes much money these days out of the toils of the cane growers. There was a time when sugar was being sold at Rs 6 odd

[Maulvi Muhammad Abdul Gham]

a maund and the price then given at the instance of the Provincial Governments for cane was five to six annas. But now-a-days when the price of sugar, not retail but wholesale, is about Rs. 12 a maund, the price of cane has been fixed under certain legislation by various Provincial Governments in the name of control, as five annas a maund. The kisans, the cane growers in Bihar have shown resentment and they refused to supply cane to the factory owners at that price. The result was that the Government of Bihar and the United Provinces could not do anything, but the capitalists finding they are put to greater loss, came forward and offered instead of five annas, the rate of six annas per maund. That was no doubt very insignificant in comparison with the present price at which sugar is being sold. The rate for sugar cane should have been in these days at least one-sixteenth of the price of sugar per maund, that is to say, at least twelve annas a maund. This should have been given to the cane growers. So with such a kind of protection, I think the consumers are at a loss, the cane growers who are the primary persons concerned are at a loss and there is another question to be decided, that is how long this sort of spoon feeding will be continued. May I ask whether a time will come for the sugar industry to stand on its own legs? May I ask the Honourable the Commerce Member to see whether any efforts are being made now by these factory owners that sugar industry will stand on its own legs at least after sometime. So that having that period in view, legislation should be promoted indefinitely one year's extension at a time, sometimes two years extension at a time should not be had. The sooner this practice is done away with, the better.

I have pointed out that the sugar industry is only benefitting particularly one class of people, the capitalists. The public exchequer is put to loss, the consumers are put to a loss and the cane growers are also put to a loss. With these observations, I hope the Honourable the Commerce Member will see that he may not come forward with another suggestion that protective duty should be extended indefinitely or one year every year after the expiry of 1944. With these observations, I resume my seat.

**Mr Jamnadas M. Mehta** (Bombay Central Division Non-Muhammadan Rural). Sir, there is a good deal of unreality about this Bill. In fact it is a confession of utter helplessness. Besides, it has some potentialities for injuring the economic interests of the country. Therefore I would very much prefer the Government had, as promised last year, not extended the life of this protective duty. If you examine the memorandum accompanying the Budget under the head 'protective duties', you will find that the total amount which the Government are likely to receive next year will not be very much higher than a crore and a half. Every rupee that they collect as a duty will go into purchase price of war and military supplies which they buy in the market with the addition of interest charges on the part of those who pay that duty and profit even on them. Therefore, what they received by way of customs duty will be one rupee, but in the matter of supplies for war, they will be paying Rs. 1-4-0 or Rs. 1-6-0. It is, therefore, a suicidal thing to receive one rupee and to pay Rs. 1-6-0. I am afraid that the Government have done this for two objects. Not that my Honourable friend is guilty of any conscious effort in that direction. Far from that. What I mean is that the excise duty on some of these articles will be kept up because there is the protective duty. If this protective duty had disappeared he would have not been justified in keeping on the

excise duty on these articles, the justification for the excise was that while the articles excised enjoyed protection and were making money they should agree to be taxed in the interest of the general taxpayer.

Now I say that Government have a double object in getting what they can both from the excise duty and the customs duties on protected articles. And yet in both these cases they are the sufferers. If it were anything in the interest of the taxpayers or of the Government finances I would not mind it, but in both the cases they are the sufferers. The articles which they protect nominally will bring them a small revenue but increase the prices of what they require for war purposes and civil purposes, and it has the additional effect of making these things unnecessarily dear for the consumer. The sugar manufacturer, for instance, says that he is paying a very high rate of excise duty and he must, therefore, include that in his price of sugar. The vendor of foreign sugar will say that he is subject to customs duty and he must increase his price of sugar to that extent. And as a matter of fact the customs duty on sugar is only Rs. 2,05,000. That means that foreign sugar is not at all coming and with the conflict in the Pacific, particularly, in the Netherlands Islands and Java which were the only real sources of any import of sugar into this country even this might not come. Whose is the competition, therefore, against which the sugar manufacturer in this country will have to contend? Nobody. The protection is unreal because there is no foreign sugar coming, and the disadvantage is much greater than the advantage, both to Government and the consumer. The unreality is there and it is really pursuing a phantom to say that you are protecting anything now.

Tatas told you last year that they did not want any protection and still you wish to have, in the name of protection to the steel industry, an income of 26 lakhs of rupees. What are 26 lakhs of rupees against crores of rupees of steel that we now need? And why do you want unnecessarily to make Tata steel dearer in the market? Already the civil supplies are very limited, the building of houses for the poor and the rich, wherever steel is used, becomes costlier by your maintaining this fictitious figure, it gives an excuse to the manufacturer in this country to keep prices up. If Government had kept their promise of last year it would have been possible to review the condition of these industries before you extend them any protection. If they had made this inquiry they would have found that it is very easy to find out the fortunes of the various industries today. They are all working to capacity, foreign competition is little, and if you take away the element of extra profit that they are making you will find that a large number of them do not need any protection at all. So the consequence of this Bill will be deleterious on the economic condition of this country. The masses will unnecessarily pay for the inclusion of excise duty and customs duty in the case of these protected articles which is I think wholly wrong. In this Bill it is not possible for us to inquire into the conditions of the working classes who are today in these industries. We could have made certain suggestions for the protection of their condition and their wages. The Honourable Member cannot be unaware that the wages in the sugar industry are very low. The housing is non-existent, even medical relief is precarious, and workers have to come many miles from the villages, round about, in order to earn a very scanty five or six annas a day in some of these sugar factories. They must be making a profit because foreign competition has disappeared but because it is subject to that high rate of duty your own manufacturers include that excise duty and the protective duty in the price of sugar.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** Sir, various points have been made by speakers in the course of this discussion. Some have frankly suggested that there is no need for this Bill at all,—a suggestion with which I am not altogether out of sympathy, as I said in my opening statement. Many of these protective duties are nominal, they have no value. The internal price has been adjusted on a different basis altogether, very little of these products are coming. But if Honourable Members feel that the Government of India have not paid any attention to the question which my Honourable friend, Mr. Jammadas Mehta, has prominently raised,—the question of the consumers' interests,—and that they have totally ignored them and have merely come as a protector of the capitalist, they are entirely wrong. Let me take each one of these things. First let me take wheat and wheat flour. I think Mr. Ramsay Scott put his finger on the spot when he said that this merely enables Government to have recourse to protective duties if necessary and when it is necessary to have those duties. In the case of wheat and wheat flour we have done that. We found that wheat was selling at a high price and we found that some wheat at least can come. Today the protective duty on wheat is a cipher. We have reserved to ourselves the power to reimpose that duty. It is much more easy for Government, when the Legislature has authorised them to levy a protective duty at a certain date, to act administratively and lower that rate. We cannot increase it but we can always lower it, and we can lower it to a cipher,—exactly the thing that we have done with reference to wheat and wheat flour. We were not unconscious of the interests of the consumer.

Take another commodity—paper and pulp. I had very serious doubts when the price of paper was shooting up whether I would be justified at all in coming to this House and asking it to continue the protective duty. I called a conference of the paper manufacturers and told them that I was in this dilemma that unless I was able to satisfy the House that the price of paper is more normal than it was at the time it would be utterly unjustifiable on my part to come and ask for the continuation of this protection and that the paper manufacturers should take all the consequences though at the time they may not care whether protection is continued or not. I may tell the House, though my Honourable friend Pandit Nilakantha Das, said that at any time a protective measure can be passed by this House, it is always more difficult for a protective measure to be adopted by the House than for the Government and the House to give up a protective measure. And I pointed out that danger. What was the result? The manufacturers put their heads together and agreed to a level of maximum prices which would operate in the market for the bulk productions. We have secured that agreement. Government have enforced it. Rates have been published and Provincial Governments have been asked to follow these wholesale prices in their areas so far as retail prices are concerned and to see to it that any person who sells at a higher price is penalised. It is not as if we have no concern at all in regard to these matters.

Now, I may say some thing about iron and steel. The price at which iron and steel is coming into this country today is higher than that of the locally produced iron and steel. There is no doubt about that. My Honourable friend, Mr. Jammadas Mehta, spoke of the sacrifices which the Government were making with reference to that. I can assure him that the iron and steel purchased on behalf of the Defence Services by the Government from the local production is cheaper than anything that either the civil consumer is buying or that some other departments of Government are buying and certainly much less than the price which Government

will have to pay even if without the protective duty the iron and steel were to enter into this country at the present time

Sir, my Honourable friend Mr Jamnadas Mehta, again spoke of the excise duty and thought that there was a hidden Machiavellian unconscious purpose of the Government of India in re-imposing the protection because otherwise the excise duty will be endangered. Now in all these items under this Bill there is only one item—sugar on which excise duty is collected. On cotton textile, on sericulture, on wheat, on wood pulp, on paper, on iron and steel there is no question of excise duties

**Mr Jamnadas M Mehta** On matches

**The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar** I have not included matches in this because the period of protection on that continues for a longer period. On all these things there is no question of excise duty, and, therefore, the Machiavellian purpose of the Government can only be correlated to this one item of sugar. Sir I know this is a favoured item with most Members of the House and I can assure you that so far as sugar is concerned and so far as sugar manufacture is concerned, the Government of India has constantly had discussions not merely with the sugar interests—the sugar producers—but with Provincial Governments during the last two years. With reference to this particular question of sugar and protective duties the Government of India had a conference with Provincial Government representatives, not with sugar growers, not with capitalists, but with representatives of Provincial Governments, Ministers and Advisers concerned only in February of this year, and their unanimous advice to the Government was to continue the protective duty and to continue it at its present level.

**Pandit Nilakantha Das** Did they also consider fixing the price of sugar?

**The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar** I am coming to that. I may add for the information of Maulvi Abdul Ghani that the period of protection for the sugar industry has already been fixed by the first Act and, I believe, it continues till 1947. What is sought to be fixed is the level of protection for the duty. The period of protection has been fixed by the Council for 15 years—from 1932 to 1947—but from time to time Government has to come before the House to fix the level of protection duty for this industry.

Now, Sir, it is perfectly true that no sugar is coming from outside; very small quantities have come so far and perhaps even that much is not likely to come in future. Therefore, the incidence of protective duty has nothing to do with the level of prices at which sugar is selling at present. Let us be clear about that. Whether this Protective Duty Bill is passed or whether it is rejected by this House, the level of price internally will not be affected. We have had that in mind and, therefore, I said once before and repeat it again that the question of controlling the price of sugar is under consideration by the Government and I hope to make an announcement on that very soon. In all these matters what is far more important is not to see what effect the protective duty has on the level of prices but to follow the course of prices by itself internally and to see what control has to be exercised under these circumstances. That is why I said it was a sort of academic discussion in some respects to follow up this question of protective duty. I have not justified the level of protective duty at this time. In fact I said I have no material to justify it. At the

[S'r A Ramaswami Mudaliar]

present time all these duties may possibly be left out without any serious detriment to the industry but we have to look further ahead and it is equally true that I cannot feel happy or satisfied that for the next two years the same conditions can continue. It is under these circumstances that I have invited the House to adopt the measure embodied in this Bill.

**Pandit Nilakantha Das** But why not for one year—1943 instead of 1944?

**Mr President** (The Honourable Sir Abdur Rahim) The question is

‘That the Bill to extend the date up to which certain duties characterised as protective in the First Schedule to the Indian Tariff Act 1934, shall have effect, be taken into consideration.’

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar** Sir, I move

‘That the Bill be passed.’

**Mr President** (The Honourable Sir Abdur Rahim) The question is

‘That the Bill be passed.’

The motion was adopted.

## DEMANDS FOR SUPPLEMENTARY GRANTS—RAILWAYS

### DEMAND NO. 5—PAYMENTS TO INDIAN STATES AND COMPANIES

**Mr T S Sankara Aiyar** (Government of India Nominated Official)  
Sir, I move

‘That a supplementary sum, not exceeding Rs 43,65,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1942, in respect of ‘Payments to Indian States and Companies.’

Sir the reasons for this Supplementary Demand and for the Supplementary Demands which will be placed before the House subsequent to this, have been explained in brief at the foot of each Demand in the book of Supplementary Demands, a copy of which has been supplied to the Honourable Members, and the reasons have been explained in detail in the Proceedings of the Standing Finance Committee held on 30th and 31st of January, 1942. Sir, I move

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

‘That a supplementary sum, not exceeding Rs 43,65,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1942, in respect of ‘Payments to Indian States and Companies.’

**Mr Jannadas M. Mehta** (Bombay Central Division Non-Muhammadan Rural) Sir, I find that this Demand does not merely cover payments to Indian States and Companies, but there are also net earnings



payable to worked lines and that amounts to Rs 25,65,000. I would like to know from the Honourable the Member of this motion what is the loss that we incur in paying this sum (Rs 25,65,000) because we know that worked lines do not pay the actual cost of running them. Our agreements compel us to accept in many cases only 40 per cent of the working expenses while we incur 65 to 68 per cent. So I want to know how much of this is a loss to the State in paying Rs 25,65,000. The House should not pass the demand in ignorance before knowing what is the loss that they are incurring. That will show how rates and fares are kept high and why freights are high. Twenty-five lakhs is a burden which we should never have borne. So I want to know what is the loss?

**Mr. T. S. Sankara Aiyer** Sir, there is no doubt that Government do incur losses in working these worked lines. I am not quite sure about the figure but, from a rough calculation made recently, I gathered that the total loss would be somewhere about Rs 40 lakhs a year. But the point to be remembered here is that these payments are due under contracts entered into with the companies owning the lines. As a matter of fact, I have serious doubts as to whether this amount should be votable at all. These amounts are legally due under the contracts, and must be paid according to their terms. We recover a certain percentage of the gross earnings to cover our working expenses. It is a fact that these recoveries do not fully meet the working expenses actually incurred by the main lines, but still there we are, the contract terms are there, and we have to abide by them.

**Mr. Jamnadas M. Mehta** But what is the loss here?

**Mr. T. S. Sankara Aiyer** I think I mentioned that on a rough calculation, we found the total loss on all the worked lines to be somewhere about 40 lakhs a year but we should remember here, Sir, that this does not take into account the extra additional earnings which we obtain on account of the interchange of traffic on the main lines.

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That a supplementary sum not exceeding Rs 43,65,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1942, in respect of Payments to Indian States and Companies."

The motion was adopted.

#### DEMAND NO. 6 A—WORKING EXPENSES—MAINTENANCE OF STRUCTURAL WORKS

**Mr. T. S. Sankara Aiyer** Sir, I beg to move

"That a supplementary sum not exceeding Rs 3,47,84,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1942, in respect of 'Working Expenses—Maintenance of Structural Works'."

**Mr. President** (The Honourable Sir Abdur Rahim) Motion moved

"That a supplementary sum not exceeding Rs 3,47,84,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1942, in respect of 'Working Expenses—Maintenance of Structural Works'."

**Maulvi Muhammad Abdul Ghani** (Tirhut Division, Muhammadan) Sir, these days we find that the various railway lines are being dismantled and I cannot see how there is an increase in the expenditure under this head. I hope the Honourable Member will throw some light on this, how the demand has exceeded the original budget.

**Mr Jamnadas M Mehta**, Sir, I wish to know under what authority this cost of ballast renewals has been charged to revenue. I do not find the exact figures of the amount that is being charged under this head. The policy in respect of these ballast renewals seems to be fluctuating according as opportunities for grasping more money from revenue occur. I do not think originally the ballast renewals were a charge on revenue, and as it is pointed out in this note itself on page 2, it was included in the budget for the current year under demand 12—may I know what is that demand?

**Mr T S Sankara Aiyer** Capital and Depreciation Fund expenditure

**Mr Jamnadas M Mehta** Demand 12 was for capital expenditure and depreciation expenditure, which shows that either you pay that amount from capital or from the Depreciation Fund. I have no objection. But having charged 100 per cent to depreciation renewal of this ballast to be charged to working expenses is indirectly to increase the Depreciation Fund contribution by a backdoor method. The net effect of this is that either capital expenditure escapes a just liability or your allocation to the Depreciation Fund is larger by the amount of these ballast renewals. May I know what is the exact amount of ballast renewals that is proposed to be taken under this?

**Mr T S Sankara Aiyer** I will give my explanation later.

**Mr Jamnadas M Mehta** What I mean to say is that in this way the revenues which the railways earn from the traveller and the merchant are being unnecessarily loaded on working expenses, and the rates and fares are kept high. This is not a charge on revenue, independent of depreciation expenses. If it is not depreciation, it may be capital. Therefore I oppose this.

The same kind of observations must be made with regard to one or two items which are mentioned in the note below,—relining of tunnels and rebuilding certain bridges. Here also the normal practice is, as I remember, that if you have to rebuild anything the depreciation that has already accumulated has to be spent and the rest is to be paid out of or charged to capital. Why the whole of this is being charged to working expenses also I do not understand.

**Mr. T. S. Sankara Aiyer** What is the Honourable Member referring to now?

**Mr. Jamnadas M Mehta** Relining of tunnels and rebuilding certain bridges in the West of India Portuguese railway—No. D at the bottom of page 2. Repairs are a very legitimate charge on working expenses, but when you are substituting a new asset for an old one and if it is a more improved thing, a costlier asset, and the practice advocated by this House

is that whatever has accumulated in the Depreciation Fund on that account will be spent, and the rest will be charged to capital, not to revenue, because this is a double charge on the revenue which ought to be covered by Depreciation Fund. That is the one wrong thing that is running throughout the Railway Budget, but this is not the time for me to comment on the whole budget—I am merely pointing out these raids on railway revenue one after another and as I told you, it is time that the House awoke to the reality. Every year we talk of the inconvenience of the third class passengers and their difficulties and the higher charges, but when the time comes we allow these smuggled items into the expenditure side as working expenses, which in my humble opinion they themselves last year—it is admitted here so far as ballast renewals are concerned—and the year before.

**Mr T. S. Sankara Aiyer** They were only postponed

**Mr Jamnadas M. Mehta** It was not a charge on the revenue—that is clear from your statement. Therefore, as soon as they find an opportunity—they know the house is not going into the supplementary demands so very carefully, and, therefore, they just quietly smuggle into them a few lakhs of working expenses. I implore the Railway Board that they should have some regard for those who pay for the running of the railways, and they should not charge this item to revenue under every guise and disguise. I hope that we shall make an example of this and express our disapproval of this kind of tactics. Sir, I oppose.

**Mr T. S. Sankara Aiyer** Sir, I will first deal with the point raised by our Honourable friend, Mr Abdul Ghani. He wanted to know what reduction in the working expenses there would be on account of the dismantlement we have effected of certain lines. The total reduction in the working expenses will not be a very substantial figure—at any rate not so substantial as to affect the demand which is placed before the House now. The total will be somewhere about 12 lakhs a year. The Honourable Member does not realise

**Maulvi Muhammad Abdul Ghani** On a point of personal explanation, Sir, I did not look at the cost of the working expenses regarding structural work. These days lines are being dismantled. I wanted to know from the Honourable Member how it is that the cost has been increased on structural work over the original budget.

**Mr. T. S. Sankara Aiyer** Sir, the fact that some lines have been dismantled does reduce the total expenditure, but the point that I was making was that the reduction has not a very substantial effect on our total expenditure. The total expenditure has gone up for the obvious fact that so much extra traffic has been carried and that our assets have suffered considerable deterioration.

**Maulvi Muhammad Abdul Ghani** I want to know whether there have been any new structural lines or not.

**Mr T. S. Sankara Aiyer** No, new structural work does not come under this demand. This demand relates to working expenses. The new structural demand will come under Capital and Depreciation Fund.

[Mr T S Sankara Aiyer ]

Now, coming to the point raised by my Honourable friend, Mr Jamnadas Mehta, he first argued that the cost of ballast renewals should not be a debit to revenue at all. I would mention, for the information of the House, that, up to 1st April, 1924, when the Depreciation Fund was instituted and the new rules of allocation were introduced, the whole cost of ballast renewals was charged to revenue and not to capital. Subsequent to 1924, there was a change made in the allocation rules, and under those altered rules, some of the ballast renewals became chargeable to the Depreciation Fund, but even then, the practice on most of the railways was to charge most of the renewals to revenue, and not to the Depreciation Fund. In 1936-37, we made certain alterations again in our allocation rules along with the simplification of the method of contribution to the Depreciation Fund. When that alteration was made, it was ruled generally that all renewals, whatever the amount involved might be, and whatever the assets concerned might be, even parts of assets, and even what are called non-units should be debited to the Depreciation Fund. It was found that the debits made in this manner to the Depreciation Fund were very considerable, and an investigation showed that a considerable sum which used in former years to be debited to revenue, was being debited to the Depreciation Fund, and in this manner the Depreciation Fund was being heavily depleted. We considered the matter very carefully in consultation with the Auditor General in India and with the Standing Finance Committee for Railways, and the matter also received, I think, the attention of the Public Accounts Committee. All agreed that the sound and proper course was to debit the cost of renewals to revenue. But, unfortunately, at that particular time, the financial position was not encouraging enough to carry out this change. The current year being obviously a propitious time to make the desirable change, we have with the approval of the Standing Finance Committee for Railways, effected it now.

Mr Jamnadas Mehta wanted to know the total amount involved. It is given in the Memorandum incorporated in the Proceedings of the Standing Finance Committee for Railways held on the 30th and the 31st January, page 70, and the amount involved is 41½ lakhs, and the grounds on which the change has been made have also been explained there.

**Mr. Jamnadas M Mehta** Was this alteration approved by the House?

**Mr. T. S. Sankara Aiyer** It has been approved by the Standing Finance Committee for Railways and the Auditor General in India.

**Mr Jamnadas M Mehta** The Depreciation Fund Rules were made with the approval of the House, and if you alter them these alterations must also have the approval of the House.

**Mr. T S. Sankara Aiyer:** No, the Depreciation Fund rules were not placed before the House.

**Manji Muhammad Abdul Ghani** May I know whether the Standing Finance Committee for Railways has a right to approve the change without the decision of the House?

**Mr. T. S. Sankara Aiyer.** It does not involve any alteration of the decision of the House

**Maulvi Muhammad Abdul Ghani.** I submit that

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member has already had his say

**Mr T S Sankara Aiyer.** The Depreciation Fund Rules were never placed before the House. They did not receive the approval of this House

**Mr Jamnadas M Mehta.** Not by a Resolution, but after the separation it was with the consent of the House that the Depreciation Fund Rules were made, and, therefore, that arrangement must stand. I agree that no formal Resolution was moved

**Mr T S Sankara Aiyer.** Then my friend, Mr Jamnadas Mehta, suggested that the repairs done to certain tunnels on the Madras and Southern Mahratta Railway should be charged to capital

**Mr Jamnadas M Mehta.** No, not repairs, but renewals—to capital or depreciation

**Mr T S Sankara Aiyer.** This is a very strange proposal. In all my thirty years' experience as Accountant and Auditor, Sir, I have never seen repairs charged anywhere but to revenue. When the tunnel is renewed *in toto*, then the cost may be met from the Depreciation Fund, but when repairs have to be done from time to time to put the tunnel in working order, such as re-lining which is in question here, the expenditure must be debited to revenue

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a supplementary sum not exceeding Rs 3,47,84,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1942, in respect of Working Expenses—Maintenance of Structural Works."

The motion was adopted

#### DEMAND No 6-B—WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

**Mr T. S. Sankara Aiyer.** Sir, I move

"That a supplementary sum not exceeding Rs 1,00,85,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1942, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

"That a supplementary sum not exceeding Rs 1,00,85,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1942, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

**Mr. Lalchand Navalrai** (Sind Non-Muhammadan Rural) Sir, I want to elicit some information regarding this item. This item is for the maintenance and supply of locomotive power, and then down below we find that additional provision has been made under freight on fuel, cost of coal, running staff and repairs to locomotives. I would like to know what kind of repairs were carried out to locomotives, whether the repairs were very heavy, or only ordinary repairs were made. I would also like to know another thing. At present no locomotives are built in India, and so I want to know how many locomotives there are in all in India, and whether they are all in such a condition that they can be run without any risk. I would like to know how much repairs have been done to these locomotives which are in India. That will give us an idea whether these locomotives are in such a condition as can be used without any hazard to the travelling public.

**The Honourable Sir Andrew Clow** (Member for Railways and Communications) Sir, I am afraid the only details I can supply the Honourable Member will be found at page 84 of the Proceedings of the Standing Finance Committee for Railways which gives the details of allocation of this grant. I was not very clear what he meant by raising the safety question. The danger from a locomotive does not increase with its age, in fact the older it is it tends to go a little slower. As to whether these locomotives can run with absolute safety—no moving vehicle runs with 100 per cent safety. But I can assure the Honourable Member that we are keeping strictly within what we believe to be the limits of safety so far as our locomotives are concerned.

**Mr Lalchand Navalrai** Will the Honourable Member give me an idea of the number of locomotives now working on the North Western Railway?

**The Honourable Sir Andrew Clow** I remember roughly the broad gauge figure. I do not remember the metre gauge figure. The figures are given in the Annual Report on Indian Railways. The number of broad gauge locomotives is over 5,000.

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a supplementary sum not exceeding Rs 1,00,85,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1942, in respect of 'Working &—Maintenance and Supply of Locomotive Power' "

The motion was adopted.

#### DEMAND No. 6 F.—WORKING EXPENSES—EXPENSES OF GENERAL DEPARTMENTS.

**Mr. T S Sankara Aiyer** I beg to move

"That a supplementary sum not exceeding Rs 21,95,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1942, in respect of 'Working Expenses—Expenses of General Departments' "

**Mr. President** (The Honourable Sir Abdur Rahim) The question is "That a supplementary sum not exceeding Rs 21,85,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1942, in respect of 'Working Expenses—Expenses of General Departments' "

The motion was adopted

**DEMAND No 6-G—WORKING EXPENSES—MISCELLANEOUS EXPENSES**

**Mr T S Sankara Aiyer** I beg to move

"That a supplementary sum not exceeding Rs 48,87,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1942, in respect of 'Working Expenses—Miscellaneous Expenses' "

**Mr. President** (The Honourable Sir Abdur Rahim) Motion moved

"That a supplementary sum not exceeding Rs 48,87,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1942, in respect of 'Working Expenses—Miscellaneous Expenses' "

**Maulvi Muhammad Abdul Ghani.** I oppose the demand There is a Railway Standing Finance Committee with a big show That committee is appointed every year on a motion put forward by the Government of India This Committee is treated as an authority From the proceedings I find that the demand has been approved by a majority I do not find in the proceedings, however, what the nature of the opposition was, what was the explanation given by the Department There is a similar body, namely, the Public Accounts Committee, where the proceedings are drawn up and circulated to the members so that they can judge whether the explanations given by the Department were sound or not I hope that in future the same procedure will be adopted in the case of the Standing Finance Committee's Proceedings also, as in the case of the Public Accounts Committee and the Military Accounts Committee, which are the two committees which deal with finances I have thought it proper to raise this point on this Supplementary Demand Here, too, no explanation is forthcoming Such a big sum should not be allowed to come forward in this House in a Supplementary Demand That should have come in the original Demand Supplementary Demand is not meant for such big sums as 3 crores, 4 crores, 5 crores or one crore No doubt, expenditure might have increased and for that Government would have to take shelter under the Supplementary Demand But if they prepare the original budget with a little caution and care such a sort of thing would not arise

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member can continue his speech after Lunch

The Assembly then adjourned for Lunch till Half Past Two of the Clock

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr Deputy President (Mr Akhil Chandra Datta) in the Chair

**Maulvi Muhammad Abdul Ghani:** Sir, I was submitting that the Railway Board generally comes forward with big amounts which have just

[Maulvi Muhammad Abdul Ghani]

been passed and the demand under discussion is also a big amount, namely, 48 lakhs. The purpose of the supplementary demands is, in my opinion, ignored, and undue advantage is taken of these supplementary demands. Such a big amount should not come up before the House as a supplementary demand. We have just dealt with crores of rupees under one item of a supplementary demand. A supplementary demand is meant for smaller amounts, say, a few thousands of rupees. All such big amounts should come up before the House at the time of the general budget. I know that it will be urged on behalf of the Government that the necessity was felt later on after the budget had been presented, but the Department should be careful enough to scrutinise the budget and to frame it in such a way as to cover all their necessities. In any case, their necessities should not arise in such a way as to double the original budget. Last year, I remember, a similar supplementary demand was presented to the House and there was no necessity whatsoever for it. The money which was passed by the House was not spent because it was not required. Therefore, the present occasion is the proper time to sound a note of warning to the effect that in presenting the supplementary demands the Department should be very cautious. The Department will come forward with the plea that the demand was placed before the Standing Finance Committee and they approved of it. But the Standing Finance Committee, I find, while giving their approval, have written only this

"A supplementary demand for Rs. \_\_\_\_\_ for expenditure in 1941-42 was placed before the Standing Finance Committee. Page 150 of the proceedings of the Standing Finance Committee, Vol. XVIII, No. 5."

They do not say whether they criticised it or full particulars were placed before them. In paragraphs 7 and 8, they say

"The budget estimate includes 7 lakhs for credits

8. The approval of the committee is requested to

- (a) a supplementary demand of Rs. 48,87,000 being placed before the Legislative Assembly for expenditure under this head for 1941-42, and
- (ii) a demand of Rs. 4,83,62,000 being placed before the Legislative Assembly for expenditure under this head for 1942-43."

**Mr. T. S. Sankara Aiyer** Please read paragraph 4 on page 149

**Maulvi Muhammad Abdul Ghani.** Our attention has been drawn only to page 150. So I have to look first to that page which has been referred to by the Department in presenting the supplementary demand. It is only now that the Honourable Member has drawn my attention to page 149. It is difficult for me to make up my mind and go through that page which has been referred to just now. They should be cautious enough to invite our attention to the right page when dealing with things like these. Instead of giving a wrong page of reference, they should have given the very page to which this particular item of 48 lakhs odd refers.

We are not against sanctioning any demand which comes before us in the shape of a supplementary demand, but we are only afraid that the various administrations are not cautious enough of their requirements while presenting their original budgets.

**The Honourable Mr. M. S. Anay (Leader of the House).** We cannot hear you at this end.



**Maulvi Muhammad Abdul Ghani** I have always said in this House that the Railways are a losing concern and therefore there is no necessity for the Treasury Benches to hear any opinion which may sound bitter to them, because mine is an expression of opinion against the authority which is always for extravagance

**Mr Deputy President (Mr Akhil Chandra Datta)** Even the Treasury Benches are entitled to hear what you say

**Maulvi Muhammad Abdul Ghani:** They are never willing to hear us, because they have no value for the money. They only know how to tax the people irrespective of the fact whether the people are in a capacity to bear it or not. So, how can they be in a mood to listen to the criticism of the tax-payer. However, I have done my duty and I oppose the demand

**The Honourable Sir Andrew Clow.** Sir, in those portions of his speech which the Honourable Member who has just sat down allowed me to hear, I gathered that he was referring to the Procedure of the Standing Finance Committee in the first instance. I would suggest to you, Sir, that those remarks were hardly relevant to the motion before the House and I do not propose to follow him in that field. I would merely observe that, so far as I understood him, his proposals were that the proceedings should be printed at some length. In war time that would lead to a considerable expenditure of paper, which is at present a difficulty. And it seemed perfectly clear from the latter part of his speech that even the short account of the proceedings he has not studied, because reference is given to page 150 which embodies the conclusions reached by the Committee, at the end of brief memorandum occupying pages 149-150. But apparently he did not look over the page which gives details

The main point which he seemed to be making in the latter part of his speech was that we should not come for Supplementary Demands, that we should put all we want in the original Budget. Unexpected requirements are bound to arise. You cannot go on, after the traffic increases at the unexpected rate which it has done in the last year, without expecting some increase in expenditure also. If we were to adopt his suggestion and fix our budget figures so high as to avoid all danger of Supplementary Demand, we should obviously be giving the House figures up to which we do not expect to work. If we had to ensure against any additional demand coming in, we should have to soak the budget, so to speak, by putting our figures higher than the amount which we expect to spend. If my Honourable friend were to look at the Memorandum put up to the Standing Finance Committee, he would find that a very large element in this Grant is 'air raid precautions' and at the time of framing the Budget for 1941-42, that is, the current year's Budget, I think very few Members in this House expected that air raids would have the importance they have assumed for us today. The other main element consists in allowances to the staff in such form as dearness allowances and gratuities. I hope that my Honourable friend is not opposed to that grant

**Mr. Deputy President (Mr Akhil Chandra Datta)** The question is

"That a supplementary sum not exceeding Rs 48,87,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1942, in respect of 'Working Expenses—Miscellaneous Expenses' "

The motion was adopted

## DEMAND No 8—INTEREST CHARGES

**Mr T S. Sankara Aiyer:** Sir, I move

"That a supplementary sum not exceeding Rs 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1942, in respect of 'Interest charges' "

**Mr Deputy President (Mr Akhil Chandra Datta)** The question is

That a supplementary sum not exceeding Rs 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1942 in respect of 'Interest charges'

The motion was adopted

## DEMAND No 9-A—REPAYMENT TO DEPRECIATION RESERVE FUND

**Mr T S Sankara Aiyer** Sir, I move

"That a supplementary sum not exceeding Rs 7,07,60,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1942, in respect of 'Re payment to Depreciation Reserve Fund'

**Mr Deputy President (Mr Akhil Chandra Datta)** Motion moved

That a supplementary sum not exceeding Rs 7,07,60,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1942, in respect of 'Re payment to Depreciation Reserve Fund'

**Mr Jannadass M Mehta** Sir, I rise to oppose this Demand. I hope, that thin as the House is, it will remember that it is the watchdog of the interests of the masses, particularly of the third class passengers and of the workers in Indian railways. During the discussion of the Railway Budget, I have stated in how many ways the railway authorities commit depredations on the revenue and thereby conceal the heaviness of the burden on their customers. This is one more instance. Only in 1937, the Honourable Sir Muhammad Zafrullah Khan in his Budget speech on the railways expressed that it was the policy of the Government not to claim from Railway revenues the repayment of the so-called debt to the Depreciation Fund. His observations will be found on page 807, Vol I (1937)—Assembly Debates. There he definitely stated that the Government proposed not to claim this money and that they would move a proposition to that effect in the course of the year. I will read out one or two sentences from that speech

"Even if we assume that from the next year railways would begin to earn surpluses, existing liabilities will not be completely discharged for many years and meanwhile further liabilities in respect of contributions to general revenues will continue to accumulate. It will thus be impossible for railways to resume current contributions to general revenues within any reasonable period that can be foreseen. The wisest plan in the circumstances appears to be to write off all these liabilities and to start the next year on the basis of a clean slate so far as these liabilities are concerned. It might be urged that the adoption of this course would result in depleting the Depreciation Fund to an unduly low figure. An objection of this kind would have some theoretical validity but I do not think we would be incurring any undue risk in adopting the course that I have suggested. The actual balance in the Depreciation Fund at the end of 1936-37 is expected to be in the neighbourhood of 14 crores, excluding the

share of the Burma railways, and, so far as we can foresee at present, current contributions to the Fund would be more than sufficient to provide for all our ordinary needs. The opening balance in 1937-38 may be safely regarded as sufficient to provide for all emergencies that we can at present foresee."

So, Sir, when the Depreciation Fund was at 14 crores, this was the opinion of the Government of India that there was no risk in foregoing this so-called arrears and that they should be written off the books. Now, our Depreciation Fund is considerably larger and yet the policy of the Government has altered in six years time. The House at that time passed a Resolution declaring a moratorium for two or three years and then do the needful. Now, that period has very nearly come to an end and at that time the Government perform a complete  *volte face*  and instead of writing off, the whole of the so-called debt they have come forward to claim it. You cannot trust the word of the Government for a single minute. They elude you unless you are careful. Here is their plighted word that they do not need the repayment, that it was safe to write off. If Rs. 14 crores were only what they had then got, I say they have got many times 14 crores to put in the Depreciation Fund, and it is altogether unnecessary to repay the so-called loan to the Depreciation Fund. I tell you, why? What would have happened if this seven crores would have remained in the Railway revenues? You could have reduced third class fares, you would not have been able to prove any necessity for raising the rates and fares. You could have safely given 72 lakhs for extending Provident Fund contribution benefits to the workers. You could have given them more dearness allowance than you have given,—15 per cent against a rise in the cost of living by 30 per cent. But if they show these surpluses they cannot explain why they do not give it. Therefore, they conceal and change their rules, adopt one policy one day and another policy another day. But all roads lead to Rome, namely, to conceal money. This kind of policy the House must absolutely dissociate itself with, and if you are the guardians of the interests of the third-class passengers and of the workers, you should refuse to make this grant and compel them to forego the increases that they have made in the rates and fares, compel them to give more dearness allowance to the workers, reduce the rates and fares.

The alternative to the House is this that once you adopt this the opportunity will be gone. Fourteen crores were considered by the Government of India's representative who sat in the place of Sir Andrew Clow only five or six years ago. And here I must point out that my Honourable friend, Mr. Aiver, was not right in saying that I objected to the cost of renewals being charged to working expenses. He evidently overlooked No. 3, on page 8,—Relining and Rebuilding certain projects. When you rebuild a bridge you give the Depreciation Fund a debit, and if the new bridge is an improvement, cost goes to capital. Never have I heard that you should make a second charge to revenue for an asset whose cost is collected already in the Depreciation Fund. Every year you are providing Depreciation Fund for these bridges from 1924 to this day. Where is that money? What is the depreciation you have laid aside for these tunnels and bridges? When you rebuild them why cannot you use that money and why should you again try to raid revenue in order to conceal your bloated surpluses?

Therefore, Sir, I cannot agree that Government are doing right by their own customers. They are trying to kill the goose that lays the golden eggs. They are pursuing a wrong financial policy which, of course, I cannot discuss here. But this amount of seven crores and --

[Mr Jamnadas M. Mehta]

wholly unnecessary. It is against the declared intentions of Government themselves. It is a wrong thing to charge double depreciation for relining the tunnels and rebuilding of bridges the cost of which is already collected in the Depreciation Fund. Therefore, this demand for repayment to the depreciation is not necessary. If you refuse it you will be helping the third class passengers, you will be helping the workers, you will be exposing the drain on revenue which seems to be the policy. I record my entire opposition to this because you take away out of the workers what is due to them, you take more from the third class passengers which is not due to you according to the cost of transport. And you conceal this in various ways and thereby do not allow the public to enjoy the benefits of reduced rates and fares. It is said in the Acworth Committee's Report that the surpluses of the railways should among other things be used for reducing rates and fares. Let them read the Acworth Committee's Report. Here is a surplus which is unnecessary. It is a double charge to revenue for depreciation. It is a recantation of the policy of Government declared six years ago. It is unfair to every interest. Sir, I oppose.

**Mr T. S. Sankara Aiyar** Sir, I will restrict myself to the question raised by my Honourable friend, Mr Jamnadas Mehta, the question, namely, of the adequacy, or excessiveness of the present rate of contribution to the Depreciation Fund and the present level of balance in that fund. As I began to explain the other day, Sir, when the guillotine was applied a wrong impression prevails in certain quarters that the rate of contribution and the balance are excessive.

To begin with, the principle on which we determine the yearly contribution to the Depreciation Fund, the principle with which we started in April, 1924, and which has not been abandoned yet and still holds good, is the principle that, during the life of an asset which has come into existence, we should, by equal yearly payments into the fund, build up a sum which, on the expiry of the life of the asset, will be equivalent to the original cost of the asset. That is to say, when the asset becomes dead, so to say, and has to be replaced, you should have in the fund a sum equal to the total original cost, though, generally, the amount which you actually want then is something more. This principle must be accepted as sound by any judicious critic. The railway depreciation reserve fund has been built up on this principle, and a fund, which has been built up on this sound principle, can never be deemed excessive. If it is found excessive at all, it must be due to the fact that the normal lives fixed for the various assets were perhaps fixed at a lower figure than they ought to be. That is a separate question and would require investigation, if necessary. But, even in this respect, a rough investigation made in the Railway Board's office at my instance very recently disclosed that no substantial change would seem called for in the normal lives already fixed. The simple formula of 1-60th of the capital at charge, which was adopted on the suggestion of the late Sir Raghavendra Rau in 1936-37 was only with a view to achieving simplicity. It was intended to replace the old method, and it was intended to have the same effect as the old method. Thus, Sir, the rate of contribution to the Depreciation Fund is based on quite a sound principle, and the contribution thus made cannot be considered excessive.

There are, further, Sir, three important considerations which will show that neither the rates of contribution, nor the balance in the fund, can be

deemed excessive. The first and foremost consideration is this. When we started the Depreciation Fund on 1st April, 1924, we did not start with any arrear contribution, that is no contribution was made to the fund on account of the deterioration which must have already occurred to a considerable extent in all the assets which were in existence on that date. We started on a blank sheet. We began to contribute to the Fund only from 1st April, 1924, say, roughly at 1/60th of the capital at charge. So, at the end of the first year, we had only the contribution which covered the deterioration that could be deemed to have occurred in that year and soon, for subsequent years. It is evident then that the balance in the Fund can never be adequate to meet all the depreciation that has occurred throughout the past. An investigation was made by me recently in this matter and it disclosed the most interesting and illuminating fact that, in the 17 years from 1924-25 to 1940-41, we had actually incurred 140 crores of rupees of expenditure on renewals and replacements of assets which were in existence on 1st April, 1924, while, against this huge sum, we had contributed to the Fund only about 45 crores. We have thus overdrawn the Depreciation Fund account to the extent of about 100 crores. We have been bartering away the future, so to say, and drawing heavily on the provision for future requirements.

The second consideration, Sir, is this. We calculate the contribution to the Depreciation Fund only on the original cost of the asset but what happens ordinarily is that, when the renewals actually take place, the renewals have to be done at a higher price level than that at which it was originally constructed. The cost of renewal turns out to be more than the original cost. But still the whole of the cost of renewal is debited to the Depreciation Fund. Where is that extra money to come from? In that respect we must consider the Depreciation Fund insufficient.

Then, Sir, there is a third consideration. We do not make any provision under the existing system for what is called obsolescence. Certain assets become obsolete to replace before their lives expire. We cannot use them any longer and have them before they fall due for replacement. Apart from any other consideration, Sir, these three considerations, by themselves, would prove undubitably that the balances at the credit of the Depreciation Fund, if anything are inadequate and not excessive.

Well, Sir, our Honourable friend, Mr. Jaminadas Mehta, apparently belongs to a class of what shall I say—business-managers who believe in crediting all the receipts and earnings to revenue and debiting all expenditure to capital, or depreciation fund. I can only say, Sir, if a concern is started on that principle, I am afraid I should be the last person to join it, and I can assure my Honourable friend that even those who join will walk out with bags of money after two or three years, leaving ruin behind for posterity.

**Mr. Jaminadas M. Mehta:** Very clever of you.

**Mr. T. S. Sankara Aiyer:** Sir, it is a folly, it is unwise, to avoid debiting to revenue the expenditure which is legitimately chargeable to it, and it is equally unwise to draw upon the depreciation fund for purposes for which it is not intended and for which there is no provision in it. On these considerations, Government is now convinced that neither the yearly contribution to the Depreciation Fund, nor the present balance in the Fund can be deemed excessive.

**Maulvi Muhammad Abdul Ghani** Sir, my Honourable friend, Mr Jaimnadas Mehta, has very rightly pointed out that the Government of India had already foregone their rights of taking any amount which accrued against the Depreciation Fund. He pointed out that there is no necessity to put back this grant into the Depreciation Fund. My Honourable friend who has just spoken said

**Mr Deputy President** (Mr Akhil Chandra Datta) The Honourable Member must be very brief because the Mover of the motion has already replied to the debate.

**Maulvi Muhammad Abdul Ghani.** Sir, I will be very brief. The Government should have been cautious enough not to forego that legitimate right. They have already foregone that right and after foregoing that right they cannot raise this question of legitimacy of rights. So, this grant should not be put back into the Depreciation Fund.

**The Honourable Sir Andrew Clow** Sir, I would just like to say a few words. I think some arguments were used by Mr Jaimnadas Mehta which implied that Government in some mysterious way had gone back on their word, which was distinctly misleading. Sir Muhammad Zafrullah Khan was considering a proposal which did not prove acceptable to the House but which would have made the whole position of the Railways entirely different. It was that then whole debt—not merely to the Depreciation Reserve Fund, but also to general revenues—should be wiped out, and that they should start with a clean slate, and that would have put the Railways in an entirely different position.

Further, he was speaking when the facts were entirely different from what they are now, when he said that there seems to be no prospect of Railways ever being able to repay this debt. Now, we find ourselves in an entirely different position and it would be a very unstatesmanlike attitude to repeat in entirely different circumstances statements that had been made five or six years ago. We have to face facts as they confront us. He went on to suggest that in some mysterious way we will be benefiting the third class passengers by rejecting the motion. I think he failed to realize that the change which we are proposing here is not to transfer this money from revenue to depreciation but to transfer it from one reserve to another—from the ordinary railway reserve, which was our original intention, to the depreciation reserve—and that step has been taken because of the reasons so lucidly explained by my Honourable friend, the Financial Commissioner, that the Depreciation Fund has an inadequate amount at its disposal.

Further, my Honourable friend said that we were killing the goose that lays the golden eggs. In view of what he has said it is he who wants to do that because he wants me to take the money out which should be in the Depreciation Fund and to spend it on giving the passengers of today extra benefits and landing the passengers of tomorrow with a bankrupt system.

**Sir F. E. James** (Madras European). That would be killing the gander!

**The Honourable Sir Andrew Clow:** I was staggered to hear him quote the Ackworth Report in his support. If there was one point they stressed

it was that the hand to mouth policy which the Railways pursued in the last war was suicidal and should not be followed

I would appeal to the House that if you are going to borrow money from the Fund and not repay when opportunity offers, you are doing something most dangerous. The robbing of this fund was a most regrettable necessity and now that we are in a position to put back the money that was robbed we should certainly take the opportunity to do so.

**Mr. Deputy President** (Mr Akhil Chandra Datta) The question is

"That a supplementary sum not exceeding Rs 7,07,60,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1942, in respect of 'Repayment to Depreciation Reserve Fund'."

The motion was adopted

The Assembly then adjourned till Eleven of the Clock on Friday 6th March, 1942





## LEGISLATIVE ASSEMBLY

Friday, 6th March, 1942

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

**The Honourable Sir Jeremy Raisman** Sir, with your permission to the unfortunate indisposition of the Honourable Sir Homi Mody, I have been asked to answer his questions today

### STARRED QUESTIONS AND ANSWERS

#### (a) ORAL ANSWERS

##### OFFICERS RECRUITED IN THE SUPPLY DEPARTMENT

**126. \*Mr Ananga Mohan Dam.** Will the Honourable the Supply Member please state

- (a) the number of officers recruited during the last six months for his department,
- (b) how many of them are Hindus, Muslims, Sikhs, Parsis, Christians, Europeans, and Anglo Indians, and
- (c) the salaries offered to each?

**The Honourable Sir Jeremy Raisman** The information is being collected and will be placed on the table when ready

##### INDIA'S WAR PURCHASES LIABILITIES TO UNITED STATES OF AMERICA.

**127. \*Mr. Jinnadas M Mehta** Will the Honourable the Supply Member be pleased to state

- (a) the date from which purchases of War requirements, on behalf of India, were made under the Lease and Lend Act of the United States of America,
- (b) the value of purchases of War requirements, on behalf of India, prior to the date of application of the Lease and Lend Act to India, and whether any payments in respect of these purchases were made to the United States of America,
- (c) the value of the purchases made after the date of the application of the Lease and Lend Act to India, whether, in respect of these purchases, any payment was made by India to His Majesty's Government, or whether there has accrued any future liability payable by India after the termination of the War, and
- (d) whether, in case of such a liability accruing, India would be asked to liquidate it, either in Dollars or in £ Sterling?

**The Honourable Sir Jeremy Raisman:** (a) With effect from 11th March, 1941, transfers under Lease/Lend were possible to any country the defence

of which was adjudged by the President as vital to the defence of the United States of America. Applications for transfers under the Act began to be made on behalf of India in the latter part of the year.

(b) It would be almost impossible to estimate the value of all purchases of war requirements made from America before the passing of the Lease/Lend legislation. Such purchases were made not only by Government Departments in India but by His Majesty's Government in the United Kingdom, and by Commercial Houses. All such purchases were naturally paid for in dollars.

(c) and (d) India is receiving material under Lease and Lend but it is difficult at present to estimate its total value. Transfers to India are authorised not only on direct requisitions from India, but on requisitions made by His Majesty's Government in the United Kingdom for Empire needs. No payment is made by India to His Majesty's Government in the United Kingdom. On the matter of future liabilities and the mode of their liquidation, nothing can be said at present since the nature of the final settlement is as yet undetermined.

**Mr. Lalchand Navalrai** May I know if these applications of the Government of India are made separately or along with the British applications?

**The Honourable Sir Jeremy Raisman** I think that they were made separately through the Indian Purchasing Mission, but it is possible that when presented to the American organisation they may have been lumped with other empire requirements.

**Mr. Lalchand Navalrai** Have they to be paid for separately or along with the British?

**The Honourable Sir Jeremy Raisman** The essence of the arrangement is that they are not to be paid for at all at present.

**Mr. Jamnadas M. Mehta** I am confining my supplementary question to part (c). I want to know whether Government are not aware of the exact amount of the orders placed after the Lease/Lend Act came into force, so far as India is concerned.

**The Honourable Sir Jeremy Raisman** I think I have given information about the total value of the orders placed, but this is not like an ordinary commercial transaction where once you place an order you know what your commitment is. In this case the application for Lease/Lend goods has to be accepted. You might place indents for £10 millions and none of it might be accepted.

**Mr. Jamnadas M. Mehta** Since the 11th March, 1941, the date from which this Lease/Lend legislation applies to England, to the 6th March, 1942, have Government no idea of the orders which they have placed, apart from their acceptance by the United States Government?

**The Honourable Sir Jeremy Raisman** I think I gave some indication in my budget speech of the amounts of the indents placed.

**Mr. Jamnadas M. Mehta:** You are not precise as to how much has been received and how much has still to be received?

**The Honourable Sir Jeremy Raisman:** We cannot give information in any greater precision than that.

**Mr. Jamnadas M. Mehta:** We have to rely only on the information given in your budget speech?

**The Honourable Sir Jeremy Raisman:** Yes, I do not think we can give any more precise information.

**Mr. Jamnadas M. Mehta:** No subsequent information has been collected?

**The Honourable Sir Jeremy Raisman:** I am not in a position at this moment to give any more precise information than that.

**Mr. Jamnadas M. Mehta:** When do Government think they can supply the information?

**The Honourable Sir Jeremy Raisman:** I cannot say categorically that the information will be supplied at all. All I can say is that we are not at present in a position to give it.

**Mr. Jamnadas M. Mehta:** With reference to part (d) of the question, shall we have to pay in sterling or in dollars?

**The Honourable Sir Jeremy Raisman:** I cannot say, but my impression is that we shall not pay in either.

#### INDIA'S WAR PURCHASES LIABILITIES TO UNITED STATES OF AMERICA

**128 \*Mr. Jamnadas M. Mehta:** Will the Honourable the Supply Member be pleased to state whether the liabilities referred to in the preceding question would carry any interest payable by India and whether part of them will be immediately liquidated by giving credit to India for the Dollar resources requisitioned by the Government of India at the instance of His Majesty's Government during 1940?

**The Honourable Sir Jeremy Raisman:** The manner in which Lease/Lend liabilities will be liquidated has yet to be determined. The Government of India cannot claim credit for dollar resources already allocated to American purchases.

**Mr. Lalchand Navalsrai:** How does the Honourable Member say that the Government of India shall not have to pay at all?

**The Honourable Sir Jeremy Raisman:** I did not say that. I said that I did not think that we would pay either in dollars or in sterling.

**Mr. Jamnadas M. Mehta:** I just heard you say that we may not have to pay at all.

**The Honourable Sir Jeremy Raisman.** I said the essence of the arrangement was that at present we have not got to pay at all. I was talking of the present arrangement.

**Mr Jamnadas M Mehta.** Then, what about interest?

**The Honourable Sir Jeremy Raisman.** There is no provision for payment of interest at all.

#### PREFERENTIAL TARIFF TREATMENT TO UNITED STATES OF AMERICA WAR

129. **\*Mr Jamnadas M Mehta.** Will the Honourable the Supply Member be pleased to state

- (a) whether it is a fact that proposals are already on foot that, in view of the purchases, under the Lease and Lend Act, by His Majesty's Government in the United Kingdom, Dominions and India, exports from the United States of America should be given preferential tariff treatment by these countries after the war,
- (b) whether the Government of India have been approached either by the Government of the United States of America or by His Majesty's Government in the United Kingdom in this connection,
- (c) whether there is a tacit understanding between the Governments of the United States of America and the United Kingdom that the question relating to the grant of preferential tariff to the United States of America products would receive sympathetic consideration after the termination of the war, and
- (d) whether the Government of India are committed to any expression of opinion on this question?

**The Honourable Sir Jeremy Raisman.** No such question has arisen.

**Mr. Jamnadas M. Mehta.** I want to know whether we have made any arrangement directly or through His Majesty's Government as to the future policy in this connection because of the Lease/Lend facilities we are getting now.

**The Honourable Sir Jeremy Raisman.** I have already answered the Honourable Member's question, and I have nothing more to say on the subject.

**Mr Jamnadas M. Mehta.** The Government have no information on any of the points?

**The Honourable Sir Jeremy Raisman.** I am unable to add to the answer I have already given.

**Maulvi Muhammad Abdul Ghani:** Sir, may I ask these questions on behalf of Sir Ziauddin Ahmad?

**Mr. President** (The Honourable Sir Abdur Rahim) Are you authorised by the Honourable Member

**Maulvi Muhammad Abdul Ghani** Yes Sir Question No 130

#### GOVERNMENT OF INDIA'S CONTRIBUTION TO AIRCRAFT FACTORY

**130 \*Maulvi Muhammad Abdul Ghani** (on behalf of Dr Sir Ziauddin Ahmad) (a) Will the Honourable the Supply Member please state what amount and under what conditions have the Government of India paid to the Aircraft factory established in India?

(b) Have the Government of India made any arrangement for the training of Indians in Aircraft factories?

**The Honourable Sir Jeremy Raisman** (a) The Hindustan Aircraft Company has contracts with the Government of India for production of certain aircraft at agreed prices. It is not in the public interest to give details.

(b) The company is training Indians in this factory.

**Mr N M Joshi** May I ask whether it is true that the Government of India propose to acquire the ownership of this factory?

**The Honourable Sir Jeremy Raisman** I am not in a position to make any statement on this subject.

#### STEPS FOR INCREASING PRODUCTION OF STEEL

**131 \*Maulvi Muhammad Abdul Ghani** (on behalf of Dr Sir Ziauddin Ahmad) Will the Honourable the Supply Member please state what steps if any the Government of India have taken to increase the production of Steel?

**The Honourable Sir Jeremy Raisman** Steps have been taken in collaboration with certain important producers to increase the production of steel in India. Some new furnaces are in the process of installation. It is not in the public interest to give details and it is regretted they cannot be furnished.

#### WORKING OF THE ANTI TICKETLESS TRAVEL PROVISIONS OF THE INDIAN RAILWAYS ACT

**132 \*Maulvi Muhammad Abdul Ghani** Will the Honourable Member for Railways please state

(a) whether arrangements have been made for the issue of permits on certificates as contemplated in amended section 68 of the Indian Railways Act over State and Company managed Railways in India if so what class of Railway servants have been authorised to issue such certificates over Railway

(b) whether any Railway has been exempted from issuing such certificates if so why

(c) the number of ticketless passengers dealt with under the newly amended sections of the Indian Railways Act over each Railway system since the amended sections came into operation

- (d) the number of ticketless passengers dealt with in the corresponding period just before the enforcement of the amended section, and
- (e) whether the Railway administrations connected with Bihar Province published in any Vernacular paper of Bihar the full translation of the amended sections for the information of the Vernacular reading public, if so in what paper?

**The Honourable Sir Andrew Olow** (a) Yes I understand the staff authorised to issue the certificates are generally Guards, Station Masters, Assistant Station Masters and Ticket Collectors on duty. I believe that on some Railways Travelling Ticket Inspecting Staff are also authorised.

(b) No

(c) I regret the information is not yet available

(d) I would refer the Honourable Member to paragraph 57 of the report on Indian Railways for 1940-41, Vol. I

(e) No. I understand Press Advertisements were issued among others, to the *Vishwamitra* and *Lokamanga* drawing attention to the Vernacular posters exhibited at stations which gave all details

**Mr Lalchand Navalrai** May I know, Sir, whether as a result of the action taken by the Railways against these ticketless travellers, the number of ticketless travellers has decreased or increased?

**The Honourable Sir Andrew Olow** The last returns, as I indicated in reply to part (c), are not yet available, so that I am not yet in a position to make a comparison

#### MISSING CASH BAG OF TANDO JAN MOHAMED SUB-POST OFFICE.

133 \***Mr Lalchand Navalrai** Will the Honourable Member for Communications please state

- (a) whether it is a fact that in the month of October 1940, a cash bag containing a remittance of Rs. 750 was not found by the Mirpurkhas Post Office in Sind from the mail bag of Tando Jan Mohamed sub-post office,
- (b) whether it is a fact that the acting Superintendent of Post Offices, Lower Sind Division, personally visited Tando Jan Mohamed Post Office and made enquiries,
- (c) whether it is a fact that after his enquiries one mail peon was challaned before the Court,
- (d) whether it is a fact that the First Class Magistrate, Mirpurkhas, found the mail peon innocent and honourably acquitted him,
- (e) whether it is a fact that the First Class Magistrate in his judgement has said that the Postal authorities themselves were more responsible for this incident, and
- (f) whether Government have taken any action in the matter, if so what?

**The Honourable Sir Andrew Olow** (a)-(e). The reply is in the affirmative

(f) The sub-postmaster died before the judgment was delivered. No action has been taken against the peon.

**Mr. Lalchand Navalrai.** With regard to the remarks of the Magistrate that the Department itself was to blame, what steps did Government take to find out who was actually responsible?

**The Honourable Sir Andrew Clow.** I think that the Magistrate's remarks involved a reflection on the Sub-Postmaster. As I have indicated, he died before that judgment had been delivered.

**SUPERINTENDENT OF THE OFFICE OF THE DIRECTOR OF POSTS AND TELEGRAPHS  
KARACHI**

**134 \*Mr. Lalchand Navalrai.** Will the Honourable Member for Communications please state

- (a) whether it is a fact that the present office superintendent of the office of the Director of Posts and Telegraphs, Karachi, has continued in the same post for ten years,
- (b) whether it is a fact that he was the President of the Posts and Telegraphs Co-operative Society, Karachi, for two years,
- (c) whether it is a fact that he was removed from that post by an order of the Registrar of Co-operative Societies, Sind, on the report of the Government Auditor in Sind, and
- (d) whether Government approve of the policy of allowing the same person to continue in the same post in the same office for an indefinite period, if not, what steps do Government propose to take to effect a change?

**The Honourable Sir Andrew Clow.** (a) No, for a rather shorter period.

(b) Yes.

(c) The official was removed from the post of President of the Co-operative Society by the Registrar of Co-operative Societies, Sind, as a result of a no-confidence motion passed at the special general meeting of the Society.

(d) Government see no sufficient reason for directing a transfer.

**Mr. Lalchand Navalrai.** May I know, Sir, for how long he remained, if not for ten years?

**The Honourable Sir Andrew Clow.** I believe he was appointed in 1938.

**Mr. Lalchand Navalrai.** May I know, Sir, why in spite of the aspersions against him in regard to co-operation also he was not removed or something done to see that he behaved better?

**The Honourable Sir Andrew Clow.** I do not understand what the Honourable Member means by "also", as I am not aware of any aspersions cast against his official work, nor apparently is there any other post of this cadre to which this official can be suitably transferred.

**Mr. Lalchand Navalrai.** Can he not be transferred to some other division instead of retaining him in the Sind division? I understand the

obstacle is that there is no place in Sind where he can be sent, and, therefore, I am asking if it is not possible to send him to any other division?

**The Honourable Sir Andrew GLOW:** The Honourable Member spends a good deal of his time in impressing on me the fact that Sind is for Sindhis.

**Mr. Lalchand Navalrai:** That is true, but if a Sindhi misbehaves, then he should be transferred to some other division or even dismissed.

**The Honourable Sir Andrew GLOW:** If the officer had misbehaved, he would have been punished. There has been no occasion for that.

#### REFUND OF DEDUCTIONS MADE FROM PAY OF CERTAIN RAILWAY EMPLOYEES

**135. \*Mr Lalchand Navalrai:** With reference to the reply given to part (c) of my starred question No 53, asked on the 30th October, 1941, regarding refund of reduction money, deducted from the employees wages after the 3rd February, 1941, the date on which such reductions were pronounced illegal by a ruling of the Sind Chief Court, will the Honourable the Railway Member be pleased to state the result of the examination of the question in its application to certain cases as mentioned by him?

**The Honourable Sir Andrew GLOW:** Orders have been issued to the North Western Railway as a result of the investigations made.

**Mr Lalchand Navalrai:** What was the result of that investigation?

**The Honourable Sir Andrew GLOW:** I am afraid I have not got that here.

#### DEARNESS ALLOWANCE TO RAILWAY EMPLOYEES HAVING RENT-FREE QUARTERS

**136. \*Mr Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that in determining the admissibility of the 'dearness allowance' to the Railway employees, the value of the free housing accommodation is also included in the term 'Pay' for the purpose of arriving at the limit on which various scales of allowance are paid in different areas? If so, why?

(b) Is it a fact that the Railway servants excepting those drawing below Rs 30, are not entitled to rent free quarters if appointed after the 1st August, 1928?

(c) Is it a fact that the concession of rent-free quarters to certain categories of staff appointed prior to the 1st August, 1928 is only personal to them for so long as they work in particular categories?

(d) Is the value of free house accommodation, included in the term 'Pay' for the purpose of

(i) grant of free passes and P T Os

(ii) Travelling allowance,

(iii) Provident Fund deductions, and

(iv) Gratuity?



If not, is it proposed to have a uniform system of inclusion of the value of house accommodation in the term "Pay" for all purposes? If not, why not?

**The Honourable Sir Andrew Clow.** (a) The answer to the first part is in the affirmative. As regards the second part, the reason is that this course was recommended by the Court of Enquiry which investigated the question of dearness allowance.

(b) On the North Western Railway, persons appointed on or after 1st August, 1928, are entitled to rent free quarters if they are inferior staff.

(c) Yes.

(d) The reply to the first and second parts is in the negative. As regards the last part, this is not considered necessary.

**Mr Lalchand Navarai:** May I know why the question of free accommodation is not being considered with regard to (d) (i) and (d) (ii), travelling allowance, grant of passes, etc? Why is there a distinction?

**The Honourable Sir Andrew Clow:** Because it is based on the ordinary pay. The real reason for that distinction is that it has been decided to follow a recommendation made by the Court of Inquiry.

**Mr Lalchand Navarai:** Will the Honourable Member inquire and find out for himself if it is feasible to apply it in these two cases also? The Court of Inquiry may not have considered that point.

**The Honourable Sir Andrew Clow:** It is perfectly feasible but it would cost us more money.

**Mr Lalchand Navarai:** Everything costs money. The subordinates have to be kept satisfied. Will the Honourable Member at least look into this matter and see if he can do something?

**The Honourable Sir Andrew Clow:** I see no reason for altering the rules which have been in force for some time. If complete satisfaction is to be achieved it is a dark lookout for the Finance Member.

#### RACIAL DISCRIMINATION IN ALLOTMENT OF QUARTERS ON NORTH WESTERN RAILWAY

137 **\*Mr Lalchand Navarai:** (a) Will the Honourable Member for Railways be pleased to state whether any racial discrimination is observed on the North Western Railway in the matter of allotment of Railway quarters? If so, why?

(b) Are Government aware of the feeling that Indian employees are transferred out of turn or after a short stay at a station merely to make railway quarters available for their European, Anglo-Indian and Christian colleagues?

(c) Is it proposed to abolish the system referred to in part (b) above? If not, why not?

**The Honourable Sir Andrew Clow:** (a) The answer to the first part is in the negative and the second part does not arise.

- (b) No I have no reason for supposing that there are grounds for any such feeling
- (c) Does not arise

**NON-CONFIRMATION OF A PROMOTED INDIAN FOREMAN OF MECHANICAL WORKSHOP DIVISION, MOGHALPURA**

**138. \*Mr. H. M. Abdullah:** Will the Honourable Member for Railways please state

- (a) whether it is a fact that no subordinate has been confirmed against the permanent post of Grade II Foreman in Millwright Trade of Mechanical Workshop Division, Moghalpura,
- (b) whether it is a fact that a European is officiating against this post for more than five years and has neither been confirmed nor finally declared unfit for this post,
- (c) whether it is a fact that certain Anglo-Indians have superseded this European and have since been confirmed over his head in Grade II and subsequently in Grade III,
- (d) whether it is also a fact that an Indian has also been promoted over the head of this European and is now officiating in a higher grade from March 1937,
- (e) whether it is a fact that this Indian has been recommended for confirmation in Grade III, but has not been confirmed even in Grade II, and
- (f) whether Government have issued any instructions that no European or Anglo Indian be allowed to be superseded by an Indian or that Europeans are not to be declared unfit, but should continue to be tried in their posts for years together, if so, whether any time-limit has been prescribed, if not, what is the reason for a trial continued for over five years in this particular case?

**The Honourable Sir Andrew Clow** (a) Yes, since 26th January, 1936

(b) A European Assistant Foreman Millwright grade I has officiated in this post for an aggregate period of three years and two months but not continuously

(c) Yes, one European and one Anglo Indian

(d) Yes, an Indian grade I Assistant Foreman has been officiating in grade III off and on since March 1937

(e) Yes

(f) The answer to the first part is in the negative, the second part does not arise, as regards the last part, I would refer the Honourable Member to the reply to part (b) I understand the question of reverting the Assistant Foreman grade II is already under consideration

**Lieut.-Colonel Sir Henry Gidney:** Will the Honourable Member kindly state with reference to his reply to part (c), why has this Assistant Foreman been officiating since 1937—it is an inordinate time?

**The Honourable Sir Andrew Clow:** I suppose it was a matter of convenience I did not appoint him to officiate

**Lieut.-Colonel Sir Henry Gidney:** I am quite aware of that, but do the Government think it right to keep a man officiating for about five years? Does not the appointment call for confirmation or it is superfluous?

**The Honourable Sir Andrew Clow:** I understand the officiating period is about 3 years, and if the Honourable Member asks me for my opinion very long officiating periods are ordinarily undesirable.

#### INCREASED PROPORTION OF POSTS FILLED BY PROMOTION ON RAILWAYS

**139. \*Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state whether it is a fact that Government in the course of a debate on 18th March, 1989, promised to investigate the complaint that the proportion of posts filled by promotion to those filled by direct recruitment had been increased since the issue of the Resolution of the Government of India in July 1984?

(b) Have any investigations been made since then, and if so, with what result?

(c) Will Government please place on the table of the House, copy of the correspondence which may have been passed between the Home Department and the Railway Department on this subject?

**The Honourable Sir Andrew Clow:** (a) The promise made by the Honourable the Home Member was as follows:

"If any Honourable Member can show me or give me details to convince me that the terms of the 1934 Resolution are not being observed by any Department of the Government of India, I shall be only too pleased to investigate the case."

(b) The answer to the first part is in the affirmative, so far as railways are concerned the Honourable Member is referred to Mr D Souza's report.

(c) No.

#### OPPORTUNITY TO STORES BRANCH SUBORDINATE STAFF TO WORK AS ASSISTANT PERSONNEL OFFICER ON STATE RAILWAYS

**140 \*Mr. H. M. Abdullah:** Will the Honourable Member for Railways please state

(a) whether it is a fact that a deputation of the Lower Gazetted Services of all State Railways waited on the Chief Commissioner for Railways in Calcutta in 1939-40,

(b) whether it was agreed that the subordinates of the Stores Department will also be given chances to work as Assistant Personnel Officer along with the subordinates of the other departments,

(c) whether instructions have been issued to this effect to all State-managed Railways, and

(d) whether any member of the subordinate staff of the Stores Branch has been appointed as Assistant Personnel Officer since then on any of the State Railways?

**The Honourable Sir Andrew Clow:** (a) Yes..

(b) and (c) No.

(d) No, as far as can be ascertained.

### INDIA'S WAR PURCHASES UNDER THE LEASE AND LEND ACT

141. **Maulvi Muhammad Abdul Ghani** (on behalf of Dr Sir Ziauddin Ahmad) (a) Will the Honourable the Supply Member please state if India is included in the countries to whom America supplies articles under Lease and Lend Act?

(b) What is the total value of the articles India has purchased under the Lease and Lend Act?

(c) Who is the officer in charge of these purchases? How is the selection of the articles made?

**The Honourable Sir Jeremy Raisman** (a) Yes

(b) It is not possible to give accurate figures for the value of the goods released to India under the Lease/Lend procedure. Requisitions are made partly by India and partly by His Majesty's Government in the United Kingdom on behalf of the Empire as a whole. Indents placed by India to the end of January, 1942, amounted in value to roughly Rs. 47 crores, against which goods to the value of Rs. 11 crores are expected to arrive in India during 1941-42.

(c) Mr M. W. M. Yeatts is in charge of the American Purchases Section in the Supply Department. His function in respect of Lease/Lend requirements is to collect and present the demands to the Indian Purchasing Mission in the United States, the head of which is Sir Shanmukham Chetty. The Mission is responsible for all discussions with the authorities in America. To qualify for Lease/Lend an article must be essential to India's war effort and must be impossible to procure in India or in the sterling area.

**Mr Muhammad Nauman** With reference to the answer to part (b) of the question, has the United States of America agreed as to the amount which they will give to India?

**The Honourable Sir Jeremy Raisman.** As far as I am aware, the United States Administration from time to time obtains the sanction of its Legislature to certain appropriations covering the total amount of their lease-lend transactions, but I do not think that a quota or maximum is allotted to particular countries.

**Maulvi Muhammad Abdul Ghani.** What are the terms of lease and lend so far as it relates to India?

**The Honourable Sir Jeremy Raisman.** The terms of lease-lend legislation in America are the same for all countries.

### REDUCTION IN PAY OF SWEEPERS OF THE OFFICE OF THE CONTROLLER OF SUPPLIES, BOMBAY

142. **\*Mr N. M. Joshi.** Will the Honourable the Supply Member be pleased to state

(a) whether the pay of the sweepers of the office of the Controller of Supplies, Bombay, has been reduced from Rs. 20 to Rs. 14,

- (b) whether the local rate of pay for sweepers in the offices in Bombay is Rs 20 per month,
- (c) whether it is not a fact that the Government of India, in their offices in Bombay, follow the rates prevailing in Bombay, and
- (d) if the reply to part (c) above be in the affirmative, why the sweepers mentioned in part (a) above are not given the rates prevailing in Bombay?

**The Honourable Sir Jeremy Raisman:** The information called for by the Honourable Member is being collected and will be laid on the table in due course

**APPOINTMENTS OF MR G TAYLOR AND MR G SKILLINGTON IN MATUNGA RAILWAY WORKSHOPS**

**143. \*Lieut.-Colonel Sir Henry Gidney:** (a) Will the Honourable Member for Railways please state whether it is a fact that Messrs G Taylor and G Skillington were covenanted on old scales of pay as "A" class Chargeman and Foreman, respectively, in the Paint Shop and the Building Shop of the Matunga Workshops of the Great Indian Peninsula Railway in August 1940?

(b) Is it also a fact that the posts in the Paint Shop and the Building Shop are not specialist posts, nor of special importance connected with war effort?

(c) Why were not locally recruited and trained men appointed to the posts of 'A' class Chargeman and Foreman of the Paint Shop and Building Shop?

(d) Why were covenanted workmen recruited to these posts on old scales of pay contrary to the general order that all employees appointed after the 16th July, 1931 should be given revised scales of pay?

(e) Why is the senior Chargeman in the Paint Shop today in receipt of a lower pay than the newly recruited covenanted Chargeman with one year's service and who works under the former?

(f) Will the present difference in salary between the senior Chargeman and the newly covenanted Chargeman constitute a ground for superseding the senior Chargeman in his claim for future promotion?

**The Honourable Sir Andrew Clow:** (a) Yes.

(b) No, these posts are specialist posts and, along with all other mechanical posts, are of importance to the war effort

(c) Because no such suitable person was available

(d) It was recognised even at the time the revised scales of pay were introduced that higher scales might have to be offered in order to obtain suitable men for specialist posts. The old scales of pay were offered in these instances since it was considered that suitable persons would not be attracted by the revised scales

(e) Because the covenanted chargeman was recruited in the scale usually adopted for such persons, which is higher

(f) As appointments to which the persons concerned could be promoted are selection posts promotion will depend on the merits of the individuals

**Lieut.-Colonel Sir Henry Gidney.** The Honourable Member just now said in reply to part (d) of the question, that when the revised scales were announced it was "recognised"—what does he mean by that word "recognised", and by whom?

**The Honourable Sir Andrew Clow** I presume it was recognised by those who framed them

**Lieut.-Colonel Sir Henry Gidney** Were there any orders to that effect, or was there any official communication of that "recognition"?

**The Honourable Sir Andrew Clow** I am unable to say without notice

**Lieut.-Colonel Sir Henry Gidney** These words of the Honourable Member like "recognition" spell nothing to me. I want to know whether there are any orders about it and if there are not, why is it continued today?

**The Honourable Sir Andrew Clow** I am merely stating a fact that at the time whoever dealt with the matter, was aware that the new scales of pay might not be suitable to all cases. That is frequently done, in framing scales of pay one recognises one might have to give substantially higher salaries in certain cases.

**Lieut.-Colonel Sir Henry Gidney** Will the Honourable Member inform me whether there is any difference between a senior chargeman and an A class chargeman?

**The Honourable Sir Andrew Clow** I should require notice of that

**Lieut.-Colonel Sir Henry Gidney.** It is down here in part (e) of my question "Why is the senior Chargeman in the Paint Shop today in receipt of a lower pay than the newly recruited covenanted Chargeman and who is working under him?"

**The Honourable Sir Andrew Clow** I have given an answer to that

**Lieut.-Colonel Sir Henry Gidney:** No. I repeat, one is working over the other and he gets a lower pay, why?

**The Honourable Sir Andrew Clow:** I have given an answer to that already

**Lieut.-Colonel Sir Henry Gidney.** Is it or is it not a fact that he has, according to his budget speech, stopped recruiting British officials on railways? If so, will he kindly explain why he has not suspended such recruitment for subordinates?

**The Honourable Sir Andrew Clow:** I do not think I referred to the matter in my budget speech. I dealt with it in the debates on the budget and said that we had suspended recruitment of the European officers

**Lieut.-Colonel Sir Henry Gidney.** Will the Honourable Member still answer my question, why, if he had suspended that for officials, he has not suspended it for subordinates?

**The Honourable Sir Andrew Clow:** Because in the case of the officers we are able to obtain Indian officers and we have men who can do the work. For the subordinates grade we were not able to obtain in India the necessary candidates.

**Lieut.-Colonel Sir Henry Gidney:** Is it or is it not?

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member cannot discuss the matter now.

**Lieut.-Colonel Sir Henry Gidney:** I am asking some other question. Is it or is it not a fact that during wartime you get nothing but the dregs of the English workshops for come out, none but the fifth class men would come out. Is it or is it not a fact?

**The Honourable Sir Andrew Clow:** If the Honourable Member means by that, that we have recruited only dregs, then I must emphatically deny it.

**Lieut.-Colonel Sir Henry Gidney:** I most emphatically say that you will have them if you are going to recruit outside.

Is the Honourable Member aware that locally recruited men—I am talking of all communities—in these workshops have often been officiating in the higher appointments, as foremen, as we have just heard today, for five years, and when that appointment is to be confirmed, a covenanted man is brought in and put over these senior men,—a man who is almost half their age?

**The Honourable Sir Andrew Clow:** Some of the men brought in have certainly been young, but I have not got their ages.

**Mr President** (The Honourable Sir Abdur Rahim) I won't allow any more supplementary questions on this as it has been fully investigated. Next question.

#### APPOINTMENTS OF MR G TAYLOR AND MR G SKILLINGTON IN MATUNGA RAILWAY WORKSHOPS

**144. \*Lieut.-Colonel Sir Henry Gidney:** (a) Is the Honourable the Railway Member aware that recruitment of Chargemen and Foremen for non-specialist posts on higher rates of pay referred to in the preceding question deprives locally recruited senior and loyal workers in Indian Railway Workshops of their legitimate promotions?

(b) Do Government propose to give full consideration to the legitimate claims of the locally recruited and trained men?

**The Honourable Sir Andrew Clow:** (a) I would refer the Honourable Member to the reply given to parts (b) and (c) of the preceding question.

(b) Persons are not recruited from outside India if suitable candidates are available locally.

**Lieut.-Colonel Sir Henry Gidney:** Does the Honourable Member mean to say that after nearly a hundred years administration of Indian railways

the workshops are barren of men to man these appointments? If he does, we had better get rid of these British chargemen

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member is arguing. Next question

**TENURES OF ASSISTANT POST MASTERS GENERAL IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE**

**145 \*Bhai Parma Nand** (a) Will the Honourable the Communications Member please state whether it is a fact that the posts of Assistant Post Masters General are tenure posts and cannot be held for more than five years at a time by any one officer under the rules framed by the Government of India?

(b) Will he kindly state if this period of five years has always been observed in the Punjab and North West Frontier Circle?

(c) If the reply to part (b) above be in the affirmative, do Government propose to rigidly observe this rule in the Punjab and North-West Frontier Circle? If not, do they consider that there are no other fit officers in that Circle who can replace those who have already held the post for five years?

**The Honourable Sir Andrew GLOW** (a) No

(b) and (c) Do not arise

**AWARD OF GRACE MARKS TO CERTAIN FAILED CANDIDATES IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE**

**146 \*Bhai Parma Nand** (a) Will the Honourable the Communications Member please state if it is a fact that recruitment to the cadre of Inspector of Post Offices and Railway Mail Service is made through a competitive examination held by the Posts and Telegraphs Department every year?

(b) Is he aware that candidates recruited in the subordinate services of the Posts and Telegraphs Department are placed on probation for a period of two years and have to pass a confirmation test before being confirmed in their appointments?

(c) Is it a fact that those who fail to pass the confirmation test are given a second opportunity to pass the same test?

(d) Will he please state the number of candidates in the Punjab and North-West Frontier Circle who failed in the examination referred to in parts (b) and (c) above once or twice during the last three years?

(e) Is it a fact that some of the failed candidates in the said examinations were pushed up by awarding grace marks in the Punjab and North-West Frontier Circle? If so, will Government please state under what orders the grace marks were awarded by the Post Master General, Punjab and North-West Frontier Circle, and what was the criterion for awarding these grace marks?

(f) Do Government consider that the award of grace marks to failed candidates is fair in the case of competitive examination?

**The Honourable Sir Andrew GLOW:** (a) Yes. The examination is, however, open only to departmental officials belonging to certain categories.



(b) Candidates recruited to the subordinate services of telegraphists, clerks, sorters and telephone operators are placed on probation for one year. All candidates appointed as second grade clerks or sorters on probation in any branch of the Department are required to pass the confirmation examination.

(c) Yes

(d) 36

(e) No candidates declared to have failed were allowed any grace marks. In the case of five candidates the examiners allowed some additional marks varying from one to three on a review of the papers before the results were declared.

(f) Does not arise

**RESIGNED SORTERS RE-EMPLOYED IN THE POSTAL AND ENGINEERING CADRE, IN THE PUNJAB AND NORTH WEST FRONTIER POSTAL CIRCLE**

**147. \*Bhai Parma Nand** (a) Will the Honourable the Communications Member please state if it is a fact that the officers of the Railway Mail Service are not eligible for transfer to the Postal and Engineering cadres of the Posts and Telegraphs Department?

(b) Is it a fact that a person who resigns from Government service in the Posts and Telegraphs Department cannot be re-employed without passing the competitive examination for recruitment to the posts of clerks, etc.?

(c) Is it a fact that some permanent sorters of the Railway Mail Service in the Punjab and North-West Frontier Circle have been re-employed in the Postal and Engineering cadres after they had resigned from the Railway Mail Service, while such requests from others in similar circumstances were rejected by the Post Master General, Punjab, during the last four years?

(d) If the reply to part (c) above be in the affirmative, will Government please state the reasons for this differential treatment in one and the same Circle?

**The Honourable Sir Andrew GLOW** (a) Presumably the Honourable Member refers to subordinate and clerical services of the Posts and Telegraphs Department. The position is that in these subordinate services transfers from one branch to another are not ordinarily permissible but in special circumstances such transfers are made in the interests of administration or by mutual exchange.

(b) There are no explicit orders on the point raised by the Honourable Member, and the question of clarifying the position in this respect is under consideration.

(c) and (d) Information has been called for and will be placed on the table of the House in due course.

**DISCHARGED TELEGRAPHIST CANDIDATES IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE**

**148. \*Bhai Parma Nand:** (a) Will the Honourable the Communications Member please state if it is a fact that telegraphists recruited in the Posts and Telegraphs Department have to undergo a training for one year before confirmation?

(b) Is it a fact that this period of training can be extended by three months in case a candidate fails to pass the prescribed test at the expiry of one year?

(c) Is it a fact that candidates who fail to pass the test on two occasions are required to be removed from service?

(d) Will Government please state the number of telegraphist candidates who failed twice during the last four years in the Punjab and North-West Frontier Circle and were subsequently discharged from the Department?

(e) Is it a fact that certain Muslim candidates so discharged in the Punjab and North West Frontier Circle were again re-employed in other cadres of the Posts and Telegraphs Department while non-Muslims were totally discharged?

(f) If so, will Government please state the reasons for the re-employment of these candidates? Why was differential treatment meted out to the non-Muslim telegraphist candidates in the Punjab and North-West Frontier Circle?

**The Honourable Sir Andrew Clow:** (a) Candidates recruited for appointment as telegraphists have to undergo a training for one year before appointment, and not before confirmation.

(b) Yes

(c) Any outside candidate who fails to pass the test is struck off the list of approved candidates for appointment as telegraphists and any departmental candidate who fails reverts to his substantive appointment in the Department.

(d) Three

(e) There was one entirely exceptional case.

(f) The candidate concerned was selected as a telegraphist although he had not applied for this appointment. When he failed to pass the test it was held that his original selection was irregular and the error was rectified by allotting him to a postal unit in which he had applied originally for appointment. Of the two men whose names were removed from the list of approved candidates, one was a Muslim and one a Hindu. There was no differential treatment.

**Maulvi Muhammad Abdul Ghani:** May I know the total number of telegraphists recruited on the last occasion?

**The Honourable Sir Andrew Clow:** I should require notice of that.

#### CURTAILMENT OF HOLIDAYS IN LUCKNOW DIVISION, EAST INDIAN RAILWAY

149 **\*Mr. Muhammad Nauman:** (a) Is the Honourable the Railway Member aware that the General Manager, East Indian Railway, issued orders that only holidays declared so under the Negotiable Instruments Act should be observed?

(b) Is it a fact that certain holidays declared under the Negotiable Instruments Act have been curtailed in the Lucknow Division?

(c) Is it a fact that certain Muslim holidays have been substituted for Hindu holidays?

(d) Is it a fact that *Alwida* holiday in the Lucknow division has been recently curtailed?

**The Honourable Sir Andrew Clow.** I have called for information and a reply will be laid on the table of the House in due course

#### OUT-OF-TURN PROMOTIONS IN ACCOUNTS DEPARTMENT, EAST INDIAN RAILWAY.

150. **\*Mr. Muhammad Nauman:** (a) Will the Honourable the Railway Member please state whether it is a fact that the East Indian Railway Administration has introduced the policy of out-of-turn promotion in the Accounts Department?

(b) Will Government be pleased to state how many such promotions have been made during the period January 1941 to January 1942, and how many of them have been given to Muslims?

(c) Is it the intention of Government to adopt a uniform policy of out-of-turn promotion in the Accounts Department and the other Departments as well?

**The Honourable Sir Andrew Clow.** (a) and (b) I have called for information and a reply will be laid on the table of the House in due course

(c) The question has not been considered

#### PAY DEDUCTIONS FOR JUMA PRAYER LEAVE IN EAST INDIAN RAILWAY WORKSHOPS

151. **\*Mr. Muhammad Nauman** (a) Will the Honourable the Railway Member please state if it is a fact that the Government of India have issued order that pay should not be deducted for leave granted for *Juma* prayers to Muslims?

(b) Is it a fact that pay is being deducted for such leave of Muslim employees of the East Indian Railway workshops

(c) Is it a fact that, in spite of Government orders, pay of the subordinate staff in the Railway workshops for such leave for *Juma* prayers is being deducted and this affects their Provident Fund subscriptions?

(d) Do Government propose to see that their orders on this matter are complied with?

**The Honourable Sir Andrew Clow.** (a) No, the orders state nothing about pay but provide for time lost being made up, if necessary

(b) Yes

(c) There is no contravention of Government orders

(d) Does not arise

**Mr. Muhammad Nauman.** If a Muslim employee goes to offer his *Juma* prayers and spends two hours, is his pay for those two hours deducted or whether he is allowed to work on some other day for that period of time?

**The Honourable Sir Andrew Clow.** I cannot give the details, but he does not get paid for that time

**UNQUALIFIED EMPLOYEES PROMOTED AS MISTRI IN LOCO WORKSHOP,  
LUCKNOW**

**152. \*Mr Muhammad Nauman** (a) Will the Honourable the Railway Member please state if it is a fact that a Selection Board for promotion to Mistri's post in Inspection Shop of the East Indian Railway Loco Shop, Lucknow, was held in 1939, as a result of which only two employees were declared qualified?

(b) Is it a fact that the employees who were declared unqualified have been promoted ignoring the claims of qualified candidates?

(c) Is it a fact that in the interest of certain candidates the standard of qualification for promotion was reduced?

(d) Is it a fact that this policy was not adopted in cases of promotion in other shops for the same work?

(e) Will Government be pleased to state how many such promotions have been made in the East Indian Railway Loco Workshop, Lucknow, during 1939-1940 and 1941?

(f) Is it a fact that the employees so promoted have subsequently not been considered suitable by other officers?

(g) Is it a fact that no uniform policy is followed in the Carriage and Wagon Shop, East Indian Railway, Lucknow, but the promotions are awarded by officers as they think fit?

(h) Will Government be pleased to state how many promotions in the East Indian Railway Carriage and Wagon Shop, Lucknow, have been made for efficiency, seniority and suitability from January 1940 to December 1941, stating the number of Muslims, Hindus and members of other communities concerned, separately?

**The Honourable Sir Andrew Clow** (a) and (b) I have called for information and a reply will be laid on the table of the House in due course.

(c) to (f) I have no reason for supposing that a reduction in standard was made in any shop merely to benefit particular candidates or that promotions have been made on this system at Lucknow but the administration will be asked if the standard was lowered and if so for what reason.

(g) and (h) I regret that I cannot undertake to have all the promotions examined over a period of two years. The general policy on the railways is to fill certain posts by seniority and others by selection and the administration will be asked if this is the practice in the shops in question.

**PERFORMANCE OF RELIGIOUS CEREMONIES IN THE CARRIAGE AND WAGON  
SHOP, LUCKNOW**

**153. \*Mr Muhammad Nauman:** (a) Will the Honourable Member for Railways please state if it is a fact that the Works Manager, Carriage and Wagon Shop, Lucknow, in 1941 for the first time permitted Hindu employees to recite *Kirtan* in the Shop during working hours?

(b) Is it a fact that in spite of the protest from non-Hindu employees, the Hindu workers in the Carriage and Wagon Shop, Lucknow, are permitted to observe religious ceremonies in the shop?

(c) Is it a fact that the Works Manager, Carriage and Wagon Shop, Lucknow, recently issued an office notice permitting employees and outsiders to observe *Shivratn*?

(d) Is it a fact that the Muslim employees were not permitted to hold any *Maghs* or *Milad* in spite of their repeated applications?

(e) Do Government propose to enquire into the whole matter and give equal opportunities to Hindu and Muslim employees for observing their religious festivities in the workshop or stop both communities from doing so in future?

**The Honourable Sir Andrew Clow** I have called for information and a reply will be laid on the table of the House in due course

## UNSTARRED QUESTIONS AND ANSWERS

### MEDICAL OFFICERS ON STATE RAILWAYS

**27 Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable Member for Railways please state the number of Assistant Surgeons, Assistant Medical Officers and District (or Divisional) Medical Officers on North Western, Great Indian Peninsula, East Indian, and Bengal and Assam Railways separately?

(b) What are the medical qualifications prescribed for the Assistant Surgeons, Assistant Medical Officers and District (or Divisional) Medical Officers for the State Railways?

(c) Is the recruitment to the District (or Divisional) Medical Officers made direct or is any percentage of the posts filled up by promotion from the cadre of Assistant Surgeons? If so, what is that percentage? If not, why not?

**The Honourable Sir Andrew Clow** (a) The following statement gives the required information

Railway	D M O	A M O	Asst Surgeon
B & A	7	1	26
E I	9	2	16
G I P	7	5	17
N W	7	2	23

(b) The minimum qualifications required of candidates for appointment as Assistant Surgeons are given in Rule 58 of Appendix II to the State Railway Establishment Code, Vol I, a copy of which is in the Library of the House. Candidates for recruitment as District Medical Officers are required to possess qualifications registrable under the Medical Acts in force in Great Britain and Northern Ireland or have a medical degree of a British Indian University. No qualifications have been prescribed for recruitment to Assistant Medical Officers as there is no direct recruitment to this grade.

(c) Posts of District Medical Officers are filled partly by direct recruitment and partly by promotion. 20 per cent of the posts of District or Divisional Medical Officers filled in India are reserved for the promotion of qualified and suitable Assistant Medical Officers and Assistant Surgeons. The last part of the question does not arise.

**MEDICAL EXAMINATIONS OF TRAIN EXAMINERS, "ELECTRIC" OF GREAT INDIAN PENINSULA RAILWAY**

**28. Mr. Jamnadas M. Mehta:** Will the Honourable Member for Railways be pleased to state :

- (a) the classification for the purpose of medical examination and re-examination of the railway officials known on the Great Indian Peninsula Railway as Train Examiners, "Electric" after 1932 and before 1932,
- (b) whether any of these staff were sent to the Medical Department for re-examination and, if so, under what class they were sent,
- (c) whether the classification of these officials was published for information of the staff through the Weekly Notices and, if so, in what Weekly Notices,
- (d) whether there is any difference in the classification of these officials and that of ordinary Train Examiners, and
- (e) if the answer to part (d) above be in the affirmative, will the Honourable Member give the reasons for the same?

**The Honourable Sir Andrew Olow** (a) The designation "Train Examiner Electrical" was introduced from 14th March 1940. Prior to this the designation of this class of staff was Electric Chargehand. Prior to December 1932 the classification for Medical Examination of Electric Chargehand was B I but it was then changed to C I.

(b) None of them were so sent after the classification was changed to C I.

(c) No.

(d) Yes.

(e) The reason for the difference in classification between "Train Examiners Electrical" and "Ordinary Train Examiners" is that Train Examiners Electrical are employed in sheds or sick sidings and not on the open line like ordinary Train Examiners.

**DIFFERENTIATION BETWEEN MILLS MANUFACTURING TENTAGE AND TENTAGE FABRICATORS**

**29 Mr. Muhammad Azhar Ali** Will the Honourable Member for Supply be pleased to state

- (a) the reasons why differentiation is being made between the mills which manufacture tentage and tentage fabricators, and
- (b) the reasons why the mills are being given prices for the manufacture of tents different from those given to fabricators?

**The Honourable Sir Homi Mody:** (a) The Honourable Member presumably refers to the fact that mills are to be given fixed quotas for approximately a year while fabricators are to be called on to tender at quarterly intervals. The reason for the differentiation is that it is necessary that the Mills concerned should know what quantity of tent materials they will be called upon to manufacture throughout the year and so be in a position to arrange their Mill production programme.

(b) Although business will be distributed differently to Mills and to fabricators there will not necessarily be any difference in prices. The "ceiling prices" for fabricators will be the price to be paid to Mills.

### DIFFERENTIATION BETWEEN MILLS MANUFACTURING TENTAGE AND TENTAGE FABRICATORS

**30. Mr Muhammad Azhar Ali:** Will the Honourable Member for Supply be pleased to state

- (a) whether he is aware of the fact that in tender No SY/CX/2DD/1556, dated 14th January, 1942, the mills are being allotted tentage for the years and the tentage fabricators will be allotted tents for three months at a time, and
- (b) whether mills are being given a fixed price for tentage manufacture, whilst the tentage fabricators will be asked to tender each time?

**The Honourable Sir Homi Mody** (a) Supply Department's letter No S Y/C X-2-D D/1556, dated 3rd January, (not 14th January) 1942, is an invitation to tender to tent fabricators only. It is correct that Mills are being allotted tentage on an annual basis and fabricators on a quarterly basis.

(b) The Honourable Member's attention is invited to my reply to question No 29 of date

### DIFFERENTIATION BETWEEN MILLS MANUFACTURING TENTAGE AND TENTAGE FABRICATORS

**31 Mr Muhammad Azhar Ali:** Will the Honourable Member for Supply be pleased to state

- (a) if he is aware that the mills, which manufacture tents, are being given orders for the year at fixed prices, whilst the tent fabricators are being asked to quote lowest prices and those, whose prices may be high, are penalised by reducing their quotas by 15 per cent in the first tender, 30 per cent in the second tender and 50 per cent in the third tender, and
- (b) whether it is not a fact that in November, 1939 the number of tentage manufacturers was fifteen and the prices were then high but these prices were gradually reduced as the number of tentage manufacturers increased?

**The Honourable Sir Homi Mody** (a) Tentage quotas are being allocated to Mills on an annual basis for 1942, but not at fixed prices firm for the year. Mills will receive "ceiling prices" calculated quarterly in relation to the prices previously paid, the intervening variants in the cost of production, the competitive prices thrown up by tender, and any other relevant factors. Tent fabricators on the other hand are being asked to tender on a competitive basis. Those quoting above the "ceiling prices", will have their quotas reduced as stated in the question.

(b) There were only seven tentage contractors in November 1939. It is difficult to make an accurate record of the movement of the prices of various types of tentage, owing to numerous changes in design which affect the quantity of material used and the dyeing and labour charges. Prices rose between October, 1939, and January, 1940, but, subsequently, declined with competition for the business and expanding production. The current prices of raw materials have put the prices of tents up again.

### PRICES FOR TENTAGE

**32 Mr Muhammad Azhar Ali** Will the Honourable Member for Supply be pleased to lay on the table of the House a statement showing prices for tentage paid by Government since its first order was given to date for every interval of three months?

**The Honourable Sir Homi Mody** I regret that it is not possible to give the information asked for, because

- (1) orders for tentage cover a large variety of types, and each type is made up of several components which are produced as separate units,
- (2) contracts have not been placed at regular intervals of three months,
- (3) the prices for individual components reflect changes in design and in the prices of materials which cannot be shown in a complete form in any statement,
- (4) the labour involved in compiling a statement would be incommensurate with the result

### EXTENSIONS TO ENGINEERING DEPARTMENT OFFICERS ON RAILWAYS

**33 Mr N M Joshi** Will the Honourable Member for Railways be pleased to state

- (a) the number of officers, European Anglo-Indian and Indian, in the engineering departments, who have been given extension of service, although they have reached the age of fifty-four, on the various Railways,
- (b) the number of Engineering graduates, European Anglo Indian and Indian, who are at present receiving practical training, or serving as subordinates in different branches on the various Railways,
- (c) how many of them are being qualified for being recruited as junior officers, and
- (d) in case there are candidates who are already qualified why are they not recruited, particularly in view of the fact that extension is being given to officers reaching the age of retirement?

**The Honourable Sir Andrew Clow** (a) Ten officers of the Engineering Departments of the various State managed Railways have been given extensions beyond their age of superannuation. Of these, two are Europeans, one Anglo Indian and seven Indians

(b) and (c) Information is being collected and a further reply will be laid on the table of the House

(d) Government see no reason to alter their present policy in respect of recruitment as they consider it inadvisable to make alterations designed solely to meet present and temporary difficulties. Extensions of service are being given solely so that officers can be spared for war service without impairing efficiency.



## CASES UNDER THE PAYMENT OF WAGES ACT IN MORADABAD DIVISION

**34. Mr Muhammad Azhar Ali** Will the Honourable Member for Railways please state

- (a) whether it is a fact that the Railway Board in their letter No 2447-F, dated the 26th January, 1925, delegated powers to the General Manager, East Indian Railway, to sanction expenditure subject to the observance of the canons of financial propriety,
- (b) whether it is a fact that one of the canons of financial propriety is that every public officer should exercise the same vigilance in respect of expenditure incurred from Government revenues as a person of ordinary prudence would exercise in respect of the expenditure of his own money,
- (c) the expenditure in each case under the Payment of Wages Act, 1936, incurred in 1940, 1941 and to date in 1942 by the Moradabad Division, East Indian Railway,
- (d) the amount of relief claimed in each case by Railway servants,
- (e) the names of the counsels and the amount paid to each of them by the Railway,
- (f) whether the counsels (in addition to the Standing Railway Counsel) were engaged by the Railway on the suggestion or recommendation of
  - (i) the District Judge,
  - (ii) the District Magistrate,
  - (iii) the Government Pleader, or
  - (iv) the Local Government or the United Provinces,
- (g) the counsels' fee prescribed by the Government in accordance with the provisions of section 26(3) (j) of the Payment of Wages Act, 1936,
- (h) the terms of the agreement made between the counsels (in addition to the Standing Railway Counsel) and the Railway engaging their services in each case,
- (i) whether the local civil authority (District Judge) was consulted regarding the payments made to the counsels (in addition to the Standing Railway Counsel) by the Railway, if not, why not, and
- (j) whether the payments to the counsels (in addition to the Standing Railway Counsel) by the Railway were against the canons of financial propriety?

**The Honourable Sir Andrew Clow** (a) and (b) Yes

(c) and (e) Government have particulars only of the payments to counsel These were

to Mr Kedar Nath  
Mr J K Mathur

Rs	s	p
900	0	0
449	7	0

(d) The total claims amounted to Rs 11,124/10/- Government have no details regarding each case

(f) No Other expenditure, if any, must have been small

(g) Government have no information of the scale of costs fixed by the United Provinces Government, but Government do not fix scales of fees to be paid to counsel

(h) Government have not these particulars

(i) No, as Railways always have made their own arrangements for conducting their legal work

(j) No I have no reason for supposing this to be the case

#### SCALES OF PAY OF APPOINTED AND RE-APPOINTED STAFF ON EAST INDIAN RAILWAY

**35 Mr Muhammad Azhar Ali** Will the Honourable Member for Railways please state the scales of pay (old, 1928, or revised 1934) applicable to the staff appointed and re-appointed, respectively, on the East Indian Railway on or after the 15th July, 1931 and whether the Railway is competent to give the old scales of pay to those entitled to the revised 1934 scales of pay on re appointment?

**The Honourable Sir Andrew Clow** With regard to the first part, the Honourable Member is referred to the replies to questions Nos 489 and 788 asked on 23rd February, 1935 and 25th February, 1936, respectively. As regards the latter part of the question the pay granted to any employee on re appointment is governed by the orders applicable to his case

#### RE-EMPLOYED STAFF ON EAST INDIAN RAILWAY

**36 Mr Muhammad Azhar Ali** Will the Honourable Member for Railways please state

(a) the number of staff re-employed in gazetted and non-gazetted posts, separately, on the East Indian Railway since September 1939 in furtherance of the war, and

(b) the scales of pay (old, 1928, or revised, 1934) given to them?

**The Honourable Sir Andrew Clow** (a) No Gazetted staff have been re-employed on the East Indian Railway. Information concerning non-gazetted staff is being obtained and a further reply will be laid on the table of the House

(b) The pay to be given to re employed staff is regulated by the orders in Railway Board's letter No E41WA272/2, of 2nd October, 1941, a copy of which is being placed on the table of the House

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COPY OF RAILWAY BOARD'S LETTER No E 41 WA 272/2, DATED THE 2ND OCTOBER, 1941, TO THE GENERAL MANAGERS EB, EI, GIP AND N W RAILWAYS

#### *Terms for retired Officers and Non Gazetted Staff on Temporary re employment during the War*

The Railway Board have had under consideration the terms and conditions of service which should be applicable to retired gazetted and non gazetted staff who may be offered temporary re employment during the war. They have now decided that such staff should be employed on the terms indicated in Form No 11 appearing in Appendix XXIV, page 377 of the State Railway Establishment Code, Volume I, headed "Form of Declaration to be signed by temporary Engineers". All employees should sign a suitable Declaration of this type

2 As regards the pay and allowances to be drawn by such staff, I am to communicate the sanction of the Governor General in Council to the following

(i) A retired railway servant offered re-employment should be given the pay of the post to which he is appointed. If the post to which he is appointed is on an incremental scale of pay identical with that attached to the substantive post from which he retired, he should be given pay equal to his substantive pay at the time of retirement and an increment on completing twelve months' service after re-employment. If the incremental scale of pay attached to the post to which he is appointed is lower than that of the post he held substantively at the time of retirement, he will draw the maximum of the lower incremental scale.

If the post to which he is appointed is a temporary one and is borne on the cadre of an existing railway service, it will carry the scale of pay (old or revised) to which the re-employed officer would have been entitled prior to his retirement.

(ii) *Pensionable staff*—General Managers may at their discretion fix the pay of individual employees on their re-employment in accordance with the principles laid down in Article 521 of the C S R, *vide* Rule 2611 of the State Railway Establishment Code, Volume II, taking into consideration the pay drawn by each employee prior to his retirement.

(iii) *Allowances*—Re-employed staff will also be eligible for such compensatory and house rent allowances as may be admissible to other railway servants.

#### RE-EMPLOYED STAFF ON EAST INDIAN RAILWAY.

**37 Mr Muhammad Azhar Ali** Will the Honourable Member for Railways please state whether the staff on the East Indian Railway discharged in 1933 and re-employed in Railway units in furtherance of war are entitled to the pay in Railway units equivalent to the pay they would have become entitled to, had they not been discharged? If not, why not?

**The Honourable Sir Andrew Clow** The reply to the first part is in the negative. As regards the second part they hold no lien on any civil post and cannot, therefore, be treated like persons who hold such liens.

#### CATERING CONTRACTORS AND VENDING LICENSES ON EAST INDIAN RAILWAY.

**38 Mr Muhammad Azhar Ali** (a) Will the Honourable Member for Railways please state whether it is a fact that the Central Advisory Council for Railways in 1933 considered that the following general principles should be followed

- (i) contractors and vending licenses who have rendered and are rendering satisfactory service should not be replaced, and
- (ii) further contracts for Indian catering should not be given to any firm which holds area contracts extending over two divisions on the same railway or an equivalent area?

(b) Will he be pleased to lay on the table of the House a statement showing the contractors and vending licenses on the East Indian Railway

- (i) who were replaced by Eshwardas Ballabhdas with the date of replacement,
- (ii) the period for which they held their contracts and licenses before replacement, and,
- (iii) the nature of unsatisfactory service during that period upon which they were replaced?

(c) Will he be pleased to state the reasons for giving further contracts extending over more than two divisions to Eshwardas Ballabhdas?

(d) Was the local advisory committee consulted and did they agree that further contracts extending over two divisions be given to Eshwardas Ballabhdas? If not consulted, why not?

**The Honourable Sir Andrew Clow:** (a) No

(b) The information is not available with Government

(c) I understand that since the Central Advisory Council's recommendations of March, 1940, were accepted by Government and conveyed to Railways, no further contracts for Indian Catering have been given to this Firm

(d) Does not arise

#### CHAP GRAIN SHOPS OPENED BY EAST INDIAN RAILWAY

**39 Mr Muhammad Azhar Ali** Will the Honourable Member for Railways please state

(a) if it is a fact that the East Indian Railway has opened cheap grain shops on the Railway,

(b) the stations whereat they are opened,

(c) the owners of those shops,

(d) the terms of the agreement between the Railway and the owners, and

(e) by whom and how rates or tariff is controlled?

**The Honourable Sir Andrew Clow** (a) Yes

(b) At Lucknow, Cawnpore, Jamalpur, Lillooah and Howrah

(c) Messrs Ballabhdas Eshwardas and Rai Bihadur Salgurun and Sons

(d) The grain will be carried at public rates, the concessions given are rent free buildings for shops, free water and light, free carting of grain from wagons to shops, payment of wages of shop attendants up to a maximum of Rs 100 per mensem. The grain is to be sold only to railway employees

(e) The contractors are required to sell grains at prices notified by Provincial Government

#### TELEPHONE AND TELEGRAPH FACILITIES AT SHAHDARA DELHI POST OFFICE

**40 Mr Muhammad Azhar Ali.** Will the Honourable Member for Communications please state the reasons for

(a) not installing a public telephone call office within the Post Office, Shahdara, Delhi,

(b) not changing the building of the Post Office, Shahdara, Delhi, and

(c) not extending the facilities of the delivery of telegrams to the population of Shahdara, Delhi, as are enjoyed by a lesser population within five miles from the Delhi Telegraph Office?

**The Honourable Sir Andrew Clow** (a) There was not evidence of a sufficient demand but steps are being taken to open a public telephone call office at Shahdara

(b) No change in the building is possible till its lease expires on 31st August, 1942

(c) Delivery facilities are enjoyed by the population of Shahdara-Delhi within five miles of Delhi telegraph office

#### CONVICTED RAILWAY STAFF RETAINED IN SERVICE IN MORADABAD DIVISION

**41 Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please state

- (a) whether it is a fact that Railway servants are liable to summary dismissal on conviction and sentence by a criminal court,
- (b) whether it is a fact that conviction and sentence of fine under the Gambling Act is a conviction and sentence by a criminal court,
- (c) whether it is a fact that certain staff on Moradabad Division, East Indian Railway, were convicted and sentenced under the Gambling Act by the criminal court, if so whether they are still in service and
- (d) if the replies to parts (a) to (c) be in the negative what are the real facts?

**The Honourable Sir Andrew Clow:** (a) and (b) Yes

(c) I have no particulars of any such cases but would observe that every conviction by a criminal court does not necessarily merit the dismissal of the person convicted

(d) Does not arise

#### HIGHER TEA CUP RATE OF MESSRS SPENCER AND CO ON NORTH WESTERN RAILWAY

**42 Mr Muhammad Azhar Ali** (a) Will the Honourable Member for Railways please state if it is a fact that the terms of agreement between the East Indian Railway and the contractors for tea stalls provide for the sale of cigarettes in tins and in packets without exhibition of the tariff rates for these at the stalls?

(b) Is it a fact that Messrs G F Kellner & Company, Limited, Refreshment Rooms Contractors, East Indian Railway, retail a cup of tea at anna one only?

(c) Is it a fact that Messrs Spencer and Company, Limited, Refreshment Rooms contractor North Western Railway, sell a cup of tea at annas two?

(d) What are the reasons for the difference in rates?

**The Honourable Sir Andrew Clow:** (a) The necessity of exhibiting tariffs is not included in agreements on the East Indian Railway

(b) Yes

(c) I understand that the same charge of one anna per cup of tea with milk and sugar mixed is levied on the North Western Railway as on the East Indian Railway. There appears to be a printing error in the North Western Railway's Time and Fare Table in force from October, 1941, which will be corrected

(d) Does not arise

**CONVERTED INTERMEDIATE GRADE POSTS IN LUCKNOW AND MORADABAD DIVISIONS**

**43. Mr. Muhammad Nauman** (a) Will the Honourable the Railway Member please state if it is a fact that certain posts of lower grades to which communal reservation applies have now been converted into intermediate grades in Lucknow and Moradabad Divisions on the East Indian Railway?

(b) Will the Honourable Member further state the total number of such vacancies which have been allotted to each Division?

(c) Will Government be pleased to state the number of the converted posts which have gone to Muslims and non-Muslims in each Division separately for each community?

**The Honourable Sir Andrew Clow** I have no knowledge of any such concession, but am making inquiries and a further reply will be laid on the table in due course

**STORE APPRENTICES AND IMPROVERS ON EAST INDIAN RAILWAY**

**44. Mr. Muhammad Nauman** Will the Honourable the Railway Member be pleased to state how many store apprentices and improvers in the East Indian Railway have been appointed during 1941 and how many of them are Muslims?

**The Honourable Sir Andrew Clow** Information has been called for and a reply will be laid on the table of the House in due course

**AVENUE OF PROMOTION FOR ASSISTANT SURGEONS ON STATE RAILWAYS**

**45. Maulana Zafar Ali Khan.** (a) Will the Honourable the Communications Member kindly state whether there is any rule regarding the ordinary avenue of promotion to higher grade for Assistant Surgeons on the State Railways, if so, what?

(b) In case there is no Assistant Surgeon with over seventeen years of service on any State Railway and if a vacancy for promotion to higher grade occurs, what procedure is adopted in such cases?

(c) What is the total number of Assistant Medical Officers and District Medical Officers on each State Railway, separately, and how many of them are Muslims?

(d) How many Assistant Surgeons (now in service) have been promoted as Assistant Medical Officers and District Medical Officers and how many years of service had they put in before they were promoted?

(e) Were there any Assistant Surgeons senior to those persons who were promoted to the rank of Assistant Medical Officer or District Medical Officer? If so, how many and why were they superseded?

(f) Were those senior Assistant Surgeons, who have been superseded by their juniors, given sufficient trial before such supersession was allowed? If not, why not?

(g) Is there any rule why an Assistant Surgeon after crossing the efficiency bar cannot be declared eligible for promotion to the rank of Assistant Medical Officer and District Medical Officer?

**The Honourable Sir Andrew Clow:** (a) Yes, rule 61 of Appendix II to the State Railway Establishment Code, Vol I, a copy of which is in the Library of the House

(b) This is a hypothetical question, but Assistant Surgeons with less than seventeen years' service can be considered for promotion on their merits

(c)

Railway	District Medical Officers		Assistant Medical Officers	
	Total	Muslims	Total	Muslims
B & A	7		1	1
B, B & C I	8	1		
E I	9	1	2	
G I P	7		5	
N W	7	2	2	

(d) Such information as is available with Government is contained in the History of Services. It can be assumed that medical officers shown as having held non-gazetted appointments were formerly Assistant Surgeons

(e) These particulars are not available with Government

(f) As the appointments of Assistant Medical Officers are filled by selection, and the Railways concerned have the records of all the eligible candidates before them, there is no necessity to try all the men out in the posts before being promoted

(g) It is necessary that the most suitable man should be promoted and Government do not contemplate taking the action suggested

## THE GENERAL BUDGET—LIST OF DEMANDS

### SECOND STAGE.

**Mr. President** (The Honourable Sir Abdur Rahim) In connection with the Second Stage of the General Budget, I understand that the Leaders of Parties have agreed, amongst themselves, to the following time-table

The Congress Nationalists will move their cut motions today up to 3-30 P.M., the remainder of the sitting being taken up by motions standing in the names of Unattached Members. The Chair further understands that if the Nationalists find it necessary, and if no Unattached Member objects, the Nationalists may be allowed half an hour more today, that is, up to 4 P.M.

On Saturday, the 7th March, the Independent Party will move their cut motions up to 3-15 P.M. After that the Muslim League Party will have the remainder of the meeting as well as the time on Tuesday, the 10th March, up to 1-15 P.M. to move their cut motions

Finally, after the lunch interval up to 5 P.M. on Tuesday, the 10th March, the European Group will move their cut motions

[Mr President]

As regards the time for speeches, I suggest that, as usual, fifteen minutes be given for speeches other than those of the Mover and the Government Members. The Mover will have twenty minutes and the Government Member twenty minutes or even more, if necessary. I hope this will suit Honourable Members.

**Mr N M Joshi** (Nominated Non Official) May I say a word about this arrangement as regards the Unattached Members, as I am one of those Members, and also as regards the time given to the Unattached Members, that is, from 3.30 to 5 p.m. today. I am quite agreeable to this arrangement, but I find from the List which is published that Mr Kazim's name comes first and mine comes second. I do not know who is responsible for this, but I gave notice of my cut motions long before Mr Kazim did. I would like to know how this arrangement was arrived at.

**Mr President** (The Honourable Sir Abdur Rahim) Office obtained this arrangement from the Government Whip.

**Mr N M Joshi** I am not under the Government Whip. I have got a suggestion to make as regards this point, and it is this. Any arrangement which may be arrived at in this matter should be arrived at in the presence of the Chair, so that

**Mr President** (The Honourable Sir Abdur Rahim) You mean the whole House.

**Mr N M Joshi** I do not say "before the whole House", but if a different meeting is to take place, it should take place.

**Mr President** (The Honourable Sir Abdur Rahim) If the Honourable Member does not accept this arrangement, it is another matter. I will put it to the House generally.

**Mr N M Joshi** If Mr Kazim wants to move his cut motion, I am prepared to accommodate him, but I do not like the way in which this arrangement has been arrived at. I am interested in the subject which Mr Kazim wants to discuss and I am prepared to accommodate him, but I object to the method in which the arrangement was arrived at.

**Mr President** (The Honourable Sir Abdur Rahim) Perhaps the position may be explained by some Government Member. I do not know anything about it.

**The Honourable Mr M S. Aney** (Leader of the House) So far as I am concerned, I must say that if Mr Joshi wants precedence, we have no objection to it and I believe Mr Kazim also will accept that suggestion.

**Mr N. M. Joshi** I am prepared to accommodate Mr Kazim.

**The Honourable Mr. M. S. Aney** Government is prepared to do that.

**Mr. President** (The Honourable Sir Abdur Rahim) I understand Mr Joshi's objection is that the arrangement was arrived at behind his back.



and without his knowledge I must suggest that whenever such arrangements are made as many Members belonging to different Groups should be consulted as possible

**Mr. N. M. Joshi** I am prepared to give precedence to Mr. Kuzmi

**Mr. President** (The Honourable Sir Abdur Rahim) Let me explain the rest of the arrangement. The Chair has also been supplied with an agreed programme of the order in which selected cut motions will be moved by the different Parties. For the convenience of Honourable Members copies of this agreed programme were made available to them last night. In accordance with these arrangements, and in order to enable the Nationalist Party to move their cut motion No. 42 on the Final List, the Chair will call upon the Finance Member to move the motion in respect of Demand No. 11. But before the Honourable the Finance Member moves the motion, I must point out that cut motion No. 18 of the Nationalist Party is not in order. That cut motion seeks to discuss the question of amendment of law of contempt. Honourable Members know that in these cut motions the question of amending any law cannot be discussed. All that can be discussed is the administration of the law as it stands.

Similarly, there is another cut motion of the Nationalist Party (No. 84). To this also my attention has been drawn and I must rule that it is not in order. That motion is in the name of Mr. Jinnadas Mehta. He wants to move

"That the demand under the head Legislative Assembly and Legislative Assembly Department be reduced by Rs. 100 (Curtailement of the privileges of Members—Procedure regarding questions and right of reply to move) of an amendment."

So far as this matter is concerned, the President acts according to the Rules and Standing Orders. If there is anything wrong in the Standing Order, then there is a special procedure provided for amending the Standing Order. So far as the way in which the Chair discharges its duty is concerned, it cannot be the subject of a cut motion like this. That question has to be raised by a substantive motion. This is a well known Parliamentary practice and it has been enunciated in this House more than once.

**Mr. Jinnadas M. Mehta** (Bombay Central Division, Non-Muhammadan Rural) May I make a submission, Sir, on the last observation that you were pleased to make? I did not seek to make any amendment, because that could only be done according to the procedure but if hardships are felt they may be expressed, with your permission. If there are defects in the working of these arrangements, they can be expressed with your permission, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) That the Honourable Member can raise only by a substantive motion. The Honourable Member cannot discuss the way in which the Chair exercises its duties either as the President of the Assembly Department or in the House except by a substantive motion. That is well established if the Honourable Member will look up the rulings.

**Mr. Jinnadas M. Mehta:** I thought I could express my feelings in the matter.

**Mr President** (The Honourable Sir Abdur Rahim) No, that cannot be done on a motion like this Demand No 11

**DEMAND NO 11—INTEREST ON DEBT AND OTHER OBLIGATIONS AND REDUCTION OR AVOIDANCE OF DEBT**

**The Honourable Sir Jeremy Raisman** (Finance Member) Sir, I move

That a sum not exceeding Rs 81,63,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Interest on Debt and Other Obligations and Reduction or Avoidance of Debt.'

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

That a sum not exceeding Rs 81,63,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Interest on Debt and Other Obligations and Reduction or Avoidance of Debt.'

*Repatriation of Sterling Debt*

**Mr. Jamnadas M Mehta** Sir, I move

"That the demand under the head 'Interest on Debt and Other Obligations and Reduction or Avoidance of Debt' be reduced by Rs 100"

Sir, if the House will turn to page 28 of the Explanatory Memorandum accompanying the Budget, Honourable Members will find that the total foreign debt of this country in the budget year is expected to be Rs 117 28 crores which consists of four items, loans, war contribution, capital portion of Annuities created in purchase of Railways and service funds. Last year that amount stood at Rs 240 60 crores, that is the current, that is the last budget year. Now Sir, since then the House has known of two repatriation schemes. I submit that the House is entitled to know more about what is the result of that repatriation how far it has affected Indian revenues and whether a cheaper method of repatriation could not have been adopted. Last year our long dated debt, terminable debt, was repatriated and this year the remaining debt which was interminable is repatriated except £70 millions of 8½ per cent loan about which notice has been given.

I will very briefly summarise what the result of the last repatriation scheme was. About £100 millions was the amount of that debt where originally incurred which remained at £96 millions in 1940 and at the time of repatriation £84 millions. So the last scheme of compulsory repatriation comprised a debt of £84 millions. Often the figures change because of the different dates from which you study. But these are roughly the figures I have been able to obtain. I divide the repatriation question into three different parts. What was the amount which we had to pay when we raised the loan, what was the amount we received when we raised the loan, and what was the amount we have to pay when we terminated, and whether there was any occasion in between the raising of it and the repaying of it when it was cheaper to repatriate. On that matter, I have already given full details to the House during the last Session and, therefore, I do not want to go into them again, but I wish to sum up the results. When we obtained these loans, we got about £11 millions loss which comes to about 15 crores of rupees. When I raised that point, the Honourable the Finance Member was pleased to say that this should not be

regarded us any loss because that discount was necessitated by the market conditions. His idea is that although we got £85 for £100 scrips it was cheaper, the money conditions being what they were, the £15 could not be said to be a loss at all. Well, Sir, if when we raise the loan we are to be guided by the market rates and the rate of interest and, therefore, 15 crores of rupees were a legitimate expense about which we cannot complain, then the same argument should apply when the market rates are cheaper.

I pointed out that at the beginning of the war and for many months thereafter, the market rate of these loans was very low. It went down sometimes to 82, sometimes a little more or a little higher, it also went up to 96, 99 and so on. Well when the money conditions were favourable to us, when 82 was the rate and why should we not have repatriated then? If owing to market conditions we must pay 15 per cent discount on some of the loans, and if we thus pay £11 millions as that amount of discount, then I am also entitled to say that when the market rate is favourable, we should also get the benefit of repurchasing it at 82. But that procedure was not adopted and the reason given was that there was not enough sterling reserves available in London. As a result, we had to pay eight crores, more than the debt itself, because Rs 112 crores was the value of the debt repatriated and Rs 120 crores was estimated by the Honourable the Finance Member himself in his last year's budget speech as the amount to be paid. How did it happen that we had to pay eight crores more when we returned the loan and we received about 15 crores less when we raised it? Why is it that during the intermediate period when the market was favourable to us to the extent of nearly 18 per cent, in some cases and more or less in other, why could we not have obtained the advantages of market conditions and thereby recouped some of the loss which we made by way of discount when the loans were raised? Therefore, I submitted last time that in these matters at the time of raising the loan, we lost 14 to 15 crores, at the time of repayment we lost eight crores, in between the period we had opportunities when we could have repatriated it at much lower rate and I put the total of these three stages as a dead loss to India of Rs 35 crores on loans of Rs 133 crores. That means that we have really to pay 25 per cent extra for the honour of being a privileged borrower in the London money market.

**The Honourable Sir Jeremy Raisman:** Will the Honourable Member kindly explain again what was the third element?

**Mr Jamnadas M. Mehta:** The third element is the opportunities that offered in between repatriation and the raising of the loans when the market conditions being in our favour we could have bought them out at a cheaper rate.

**The Honourable Sir Jeremy Raisman:** Then what is the second element?

**Mr. Jamnadas M. Mehta:** That was the discount when we paid the loans.

**The Honourable Sir Jeremy Raisman:** That was the first

**Mr Jamnadas M Mehta** The second is the opportunities which we got between the raising of the loan and its repatriation when the market conditions being in our favour

**The Honourable Sir Jeremy Raisman** In the Honourable Member's extraordinary arithmetic I understand there are three sums involved. The first is the discount, the second is the money that we ought to have made but did not. I want to understand what the third element is, which brings the total loss to 35 crores.

**Mr Jamnadas M. Mehta** The third element is that at the time of repatriation you had raised the market price by open market operations so much that you had to pay eight crores extra. These are the three stages. And here I want to draw the attention of the Honourable Member to the fact that in 1921 Government raised a loan of ten million at seven per cent and when it was pointed out by the public that the rate was outrageous they were so much ashamed that they were forced to convert it into three per cent but issued two pieces of a hundred where a hundred was due. I should like to know what that loss is and how much more India has paid.

**The Honourable Sir Jeremy Raisman** I wish the Honourable Member would refer me to the basis for his facts.

**Mr Jamnadas M Mehta** I am giving this from the admission of the Honourable Sir Basil Blackett himself. It is not a question of any doubt and if the Honourable Member will point out to me that I am wrong I shall publicly apologise for this error. But I want to know what was the loss that we incurred as a result. This is the last. Now, at present, as the 70 per cent of 2½ and 8 per cent are repatriated I want to know what was the opportunity earlier than now at which they could have been purchased at a cheaper rate.

**The Honourable Sir Jeremy Raisman** I want to know that from the Honourable Member not he from me.

**Mr Jamnadas M Mehta** I am willing to give the Honourable Member my facts and figures but I am willing to accept his figures if I am wrong. I say that it was possible even last year or at the time of the beginning of the war to have got at 85 or 90 these very loans for which you are now paying much more for repatriation. The exact loss I am not in a position to assess, but that the loss is great I am prepared to substantiate. And the one loan that remains is the 3½ per cent about which notice is given, so that it will rise to as much as 100, so that you may pay a percentage or two more even on that. In all this while I do not assess the loss on the latest repatriation because sufficient figures are not available, I am prepared to say that even that loss cannot be less than five crores, though it may be more. But as I have not got sufficient figures here I do not venture to give any definite figure. Let me say here that I am not quarrelling with repatriation, I know the advantages of repatriation and I am myself an advocate of repatriation. But there is no reason why for getting these advantages we should lose crores upon crores of the poor taxpayer's revenue and then be called upon to be very thankful to the Reserve Bank and the Bank of England for having been made to lose such a large amount. We are told that we had the co-operation of the Reserve Bank of

India, I use the word 'connivance' and not co-operation. I cannot say there is any co-operation when I am mulcted of 40 many crores.

The last point which I wish to raise is this. The Honourable Member in making his speech day before yesterday was somewhat angry. I am sorry that I unruffled him by my observations on repatriation. We are discussing here things very calmly for the purpose of arriving at a definite result as to what was the actual expense and cost of repatriation. If I am wrong I shall be very glad to be enlightened, but let the discussion be carried on without getting into a rage. The Honourable the Finance Member was very angry with me last time and at one time he declared that not even ten rupees more were spent, and he challenged us and invited me and my Honourable friend Dr Banerjee, to a conference. And as soon as I offered that I was ready to be a delegate at the conference he beat a strategic retreat.

**The Honourable Sir Jeremy Raisman.** I am not retreating.

**Mr Jamnadas M. Mehta.** He refused to have that conference and when I asked him he said he had no room in the Finance Department for me,—as it I was a candidate for some job under him. If I come to the Finance Department at all I shall come in his place and not as a servant under him. I was asking for a frank and free and honest discussion of this great and important question. I say that it was the need of England for cash which alone actuated this repatriation for which we have been crying for years. And while we are thankful that certain results will accrue to us out of this repatriation, it will be wrong to shut our eyes to the loss from this repatriation procedure. When I moved my Resolution last Session I myself suggested that a committee should be appointed to see whether India had really lost anything out of this repatriation scheme. He was not willing at that time, but day before yesterday by some honest inspiration for the time being he offered a conference and I want him to be pinned down to that.

**The Honourable Sir Jeremy Raisman.** The offer is still open.

**Mr Jamnadas M. Mehta.** Then hold this conference. I shall be able to show that it is not Rs. 10,—I can afford to give away Rs. 10 even out of my poverty. But so long as I get this honest impression after a study of the facts and figures which he has given, and while I withhold my judgment because all the facts and figures are not yet fully available and I can only make a guess, I am entitled on behalf of the Indian taxpayer to claim that his repatriation scheme shall be properly examined, although it might be an *ex post facto* examination because the thing has been done. But I have no doubt in my mind that Government in this country, with the best of motives, have lost to the taxpayer a very large amount, and this will be clear from the budget speech of the Honourable Member himself last year. This year he has somewhat shifted his ground. Last year he admitted that the open market operations raised the rate,—let him study his own speech,—and it was found that it would not be wise to pursue the open market operations. This year he tries to get behind that by saying that he closed the open market operations for two months. But my submission was that he closed it because the rates were going beyond decent limits. And the market knew all the time that the Government of India were determined and, therefore, your two months' suspension during which time you were negotiating this compulsory investment order made no

[Mr Jinnadas M Mehta]

difference to the raising of the market against the people of this country in the matter of repatriation. I can understand a usurious money-lender getting 25 per cent more than the amount of the debt. I can understand a Marwari or a Pathan, but they at least never ask me to thank them. In this transaction I am asked to thank them,—that is my only objection,—for having been made to lose many crores of rupees, and that is what I am not willing to do. Whether I have reason to blame or to thank can only be the result of a proper investigation which the Honourable Member promised and to which I hope he will adhere. Sir, I have nothing more to say.

**Mr President** (The Honourable Sir Abdur Rahim) Cut motion moved

'That the demand under the head 'Interest on Debt and Other Obligations and Reduction or Avoidance of Debt' be reduced by Rs 100'

**The Honourable Sir Jeremy Raisman** Sir, I entirely agree with my Honourable friend Mr Jinnadas Mehta, that discussion of 12 Noon so technical and complex a matter should be carried on calmly and in an unruffled atmosphere. I would, however, like to remind the House that in the course of the last Session the Honourable Member dealt with this subject in terms which were extremely immoderate, which were not calm and which were not unruffled and that he himself set the tone of the exchanges between himself and the Government on that subject. If he had dealt with the subject in a dispassionate and objective manner, I should have been very happy, but I cannot, I am afraid

**Mr President** (The Honourable Sir Abdur Rahim) I am sure the Honourable Member will set the example himself

**Honourable Sir Jeremy Raisman** Yes, Sir. I accept your observation, Sir, but it was the Honourable Member who first dealt with the subject when he moved his own motion. However, Sir, I will endeavour to import as little heat as I may into the subject which, after all, is not exactly pulsating with human emotion. But I would like to draw his attention to one very important fact. He refers to a time when the Government of India had to borrow at a discount of 15—I think it was in October, 1922, that they borrowed money at  $4\frac{1}{2}$  per cent at a discount of 85, that is to say they paid  $4\frac{1}{2}$  per cent on each £85 of the loan, the yield on which is obviously something much nearer six per cent. I want to say to Mr Jinnadas Mehta, in all sincerity and without, as I say, importing any heat into the matter, that after listening to the way in which he deals with this subject, I should be reluctant to lend him money even at a discount of 15 at  $4\frac{1}{2}$  per cent, because his conception of what is due to the individual who in good faith lends his money to the Government under a solemn contract is vastly different from mine. I know that the world is changing rapidly and that the respect due to the rights of property is somewhat modified from mid-Victorian ideas. Nevertheless, the idea of fair dealing between man and man must remain and the Honourable Member's conception of what you can do after you have given your solemn promise is, I regret to say, very different from mine. I notice that the Honourable Member talked of occupying my place in this Bench. I was very glad to hear him refer to such a possibility.

**Lieut-Colonel Sir Henry Gidney** (Nominated Non Official) I hope not

**The Honourable Sir Jeremy Raisman** but I would like to remind him that if he found himself in that place, he would have to cultivate a much greater sense of responsibility in dealing with matters of this kind, otherwise, I am afraid, that when he comes to make his borrowing operations he will not be paying 4½ per cent on 85 but possibly on 25.

Now Sir, the Honourable Member has got a very skilful way of insinuating that something is very seriously wrong but indicating that he somehow is not able to put his finger exactly on the spot and he puts me in a position of great disadvantage because his whole attitude is this business is hushy, it could have been done better, I do not know the details, you know the details, you can tell me how it could have been done better and then I can tell you how badly you have done it. Well, Sir, I claim that even for a prisoner in the dock that would be a somewhat unjust procedure. How I am to satisfy the Honourable Member that I have not committed certain crimes of which he suspects me, I do not know. He has not got the material on which to substantiate even a *prima facie* case, but, nevertheless, he expects me to rebut an assumption arising in his mind. Well, Sir, I am quite prepared, subject to such time as I have at my disposal

**Mr Jamnadas M Mehta.** That is a wrong statement. I have given the figure of 85 crores. Therefore it is not correct to state that I am not giving him facts.

**The Honourable Sir Jeremy Raisman.** Well, Sir, anybody can produce figures and figures are supposed to be very concrete, but I have failed entirely to understand. I do understand the purpose of the first figure. I understand that he treats as a loss the discount at which the Government of India were bound to issue their loan at the time when their credit was unfortunately very weak. I do not, as I have explained before, regard that as a loss. It is a minor element in public loan operations and I entirely repudiate any suggestion that that can be considered to be a loss. In any case, even if it is treated as a loss, it is a loss which accrued at the time when the loans had to be issued. It has nothing to do with the repatriation operations which we are now conducting. If you accept £85 from a man, or Rs 85, and, thereupon, give him a bond for Rs 100, and if you say that that is a loss—if you do that instead of offering him a higher rate of interest—then I would say that the loss has occurred when you have decided to do that and I would claim that it has nothing whatever to do with these repatriation operations.

**Mr Jamnadas M Mehta.** It is. You have an opportunity of buying it at 81 and retrieving the loss which you have suffered when you originally raised the loan. Why cannot you use the market conditions on both the occasions?

**The Honourable Sir Jeremy Raisman.** But the Honourable Member has counted that again. First he says you lost 15 when you issued and then he says again you lost more because you did not buy at a lower rate.

**Mr Jamnadas M Mehta.** Yes, in 1939-40.

**The Honourable Sir Jeremy Raisman.** Well Sir, I pointed out in the course of the debate during the last Session that this is not a matter which is within the jurisdiction of the Government of India. I tried to explain—although I see no sign in the Honourable Member's speech that he has

[**Sir Jeremy Raisman**]

realized the fact—I tried to explain that we are in the position of having to persuade another Government to use its powers in regard to its own nationals within its jurisdiction. We are not in a position, as we are in the case of Indian securities to operate immediately ourselves, to issue an order or an Ordinance on the morning of a day and to produce certain effects at once. We are in the position of having to enlist the powers of His Majesty's Government. Now the powers which His Majesty's Government had to exercise were also emergency powers. They were powers which that Government had assumed under certain special circumstances and they were powers which had to be exercised with strict reference to the circumstances in which they were assumed.

I also pointed out in the course of the last debate that there was grave questioning in London as to whether His Majesty's Government had not exceeded the fair scope of the powers which had been entrusted to them. There was grave doubt as to whether the requisitioning of these securities was carried out for a purpose which fell within the purview of the objects for which the emergency legislation was passed. I felt that in those circumstances it is somewhat hard to be told that we might perhaps have bought something on Monday at a point or two cheaper than if we had bought it on Wednesday. It is impossible in circumstances such as those to operate in the same way as an ordinary operator does in his local stock exchange. That was out of the question. We had to go through a process of a consultation and persuasion in order to get the idea accepted at all.

The Honourable Member again referred to the prices prevailing at the beginning of the war at the time of panic. He has still not explained to me where I was to get the sterling for these large transactions at the beginning of the war. He still goes on saying—he merely repeats the statements that the price was so and so at the beginning of the war. As I pointed out last Session, the price of an article is only of any interest to a man who is in a position to buy it, and the Government of India were not in a position even to begin to discuss the subject with His Majesty's Government.

**Mr Jamnadas M. Mehta** : Could not the Secretary of State have raised Treasury Bills on behalf of India? I said that on the last occasion.

**The Honourable Sir Jeremy Raisman** : The processes which are involved in what the Honourable Member is talking about are not processes which lend themselves to rapid operation in a market which is jumping about from day to day. I quite agree that in a different kind of world and with authorities possessed of different powers, you might be able to do all sorts of things within about half an hour, but I do ask the Honourable Member to attempt to see what are the precise inter-governmental processes which have to take place before an operation of this kind can be carried out. So his second element which I think he estimated at eight crores, the loss which occurred because we did not buy those securities at a time when we did not have the money to buy them, is of that value. It is a kind of loss which I regret to say I am incurring personally every day because I am failing to buy things which might easily, in the course of a year's time, be worth double what they are today, if I only knew it. It is a loss which all of us incur. It reminds me of the essay which a small boy was asked to write on pins, he scratched his head and found it somewhat difficult to



give a really high spiritual value to the ordinary pin in the scale of human existence, when suddenly an inspiration descended on him and he wrote this sentence

'Pins save people's lives by people not swallowing them'

The Honourable Member has discovered how we have incurred the loss which he asks me to assess—not himself—he asks me to assess the losses which I have incurred by not buying these goods at a time when I was unable to buy them

**Mr Jamnadas M Mehta** I have assessed that loss—the loss on discount was about 15 crores—the loss at the time of repatriation was eight crores, and the balance for making up the total of 35 crores is the loss caused by his not buying these securities between the declaration of the war and the time of repatriation. I said that on the last occasion and I say it today. If he has got only pins in reply to the points I raised—the crores of loss sustained, it is no argument

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member cannot make a second speech

**Mr Jamnadas M Mehta** I am not making a speech Sir. But he is misrepresenting me

**The Honourable Sir Jeremy Raisman** The mathematics which my Honourable friend applies to these transactions is, I regret to say, beyond my humble capacity. I was saying that in regard to the loss which occurred by our not purchasing these securities at a date when we were unable to purchase them I think in regard to that loss he asked me to indicate when I could have bought them more cheaply and tell him what the loss was. Nevertheless, although he disclaims any precise knowledge of the factors on which such a loss could be estimated he decides to put it at not less than eight crores

**Mr Jamnadas M Mehta** It is from your budget speech

**The Honourable Sir Jeremy Raisman** Similarly the rest of the 35 crores in some extraordinary manner is derived from our own open market operations, and there he accuses me of an inconsistency because I said on a former occasion that it became clear to us that to proceed by the method of open market operations would push up the prices against ourselves, and therefore we abandoned that procedure, and again in the course of this speech I said that our own open market operations were not a factor of any great significance in the fluctuations which actually took place. Well, Sir, I do not consider that those two ideas are inconsistent. We did carry out open market operations up to a certain point, and it was obvious that if we had continued beyond that point we would have pushed up the prices against ourselves which would have been an undesirable process. But I also claimed that we did cease at a point at which the damage to our own interests was not appreciable and that is the combination of those two considerations

Now, the Honourable Member says that in a moment of enthusiasm I offered him an inquiry and that subsequently I hastily withdrew it. I am genuinely anxious to endeavour to satisfy the Honourable Member who, I must say, is suffering from very serious misconceptions and misunderstandings about these transactions and, if any thing which I can do will

[Sir Jeremy Raisman]

assist him to a clearer appreciation of the factors and the difficulties involved and will enable him to assess more precisely the significance of these repatriation operations I should be very happy. The Honourable Member knows that I am a busy man, but if he will approach me and suggest what he would like me to do, what materials, subject of course to the ordinary confidential rules of government, he would like me to place before him to enable him to judge of these matters, I shall be very happy indeed to consider it, and I do hope that he will maintain—he says he has an open mind on the matter—and if I have at different stages imported any warmth into the discussion it is because of this—my complaint is that the Honourable Member, while admitting that he is not in a position to deliver a careful verdict on these facts, has nevertheless, made statements which imply that these transactions ought to be condemned and that they are highly deleterious to India. In other words, he has prejudged that question on which he says he desires to keep an open mind, and I would not mind, Sir, but the effect of such an approach to matters of this kind cannot but be damaging to the credit of India, and still more damaging to the credit of a Government in which my friend might occupy such a place as I now occupy. I do appeal to him with reference to considerations such as those, to approach these matters with, as he calls it, an open mind and I repeat that I shall be happy to assist my friend to arrive at an objective and dispassionate verdict on those operations.

**Mr Jamnadas M Mehta** There is no room in his office.

**The Honourable Sir Jeremy Raisman** It need not happen in my office.

**Dr P N Banerjee** (Calcutta Suburban Non-Muhammadan Urban). Sir, I have listened to the speech of the Honourable the Finance Member with great attention but there are certain points which still call for comment. In the first place, the Honourable the Finance Member says that this matter was not in the jurisdiction of the Government of India, he had to negotiate with the Government of Great Britain. But is not the Government of India a subordinate branch of the British administration? It is not between two Governments independent of one another that negotiations have to take place.

**The Honourable Sir Jeremy Raisman** In matters of this kind the negotiations are purely as between two Governments.

**Dr P N Banerjee** Well, it appears that the subordinate branch of the administration does not get a fair deal. Now, the Honourable the Finance Member does not deny that there was a time when the rate was low, but he says that at that time the Government of India had not funds with which to repatriate a portion of the sterling debt of India. Could not the Government of India by any means have found the funds for these purposes? Through the Reserve Bank this could have been done.

**The Honourable Sir Jeremy Raisman** If the Government of India's credit was standing so low at Rs 82, how could it borrow more advantageously in order to repay that amount?

**Dr P N Banerjee** Was the Government of India's credit very low at that time? The Government of India's credit, so far as I know, has been quite good.

**The Honourable Sir Jeremy Raisman** Since then

**Dr P N Banerjee** Throughout the war

**The Honourable Sir Jeremy Raisman** When it became good, then the value of those securities stood higher

**Dr P N. Banerjee** Then there is this point. The Government of India thought of repatriating the sterling debt at a time when the prices rose. Now if they had foresight, they might have made previous arrangements so as to take advantage of the lower rates. They did not show that foresight. Another matter is to be taken into consideration. The whole question, as the Honourable the Finance Member pointed out the other day, is a question of demand and supply. I admit. Therefore, when you want to make a large purchase of sterling at one time, the price necessarily goes up. Would it not have been better to adopt the policy of repatriation by gradual stages? That would have saved a considerable sum of money to the Indian exchequer. Therefore, Sir, it is clear that although the whole blame for the loss cannot be placed on the shoulders of the Government of India.

**The Honourable Sir Jeremy Raisman** What loss?

**Dr P N. Banerjee** The loss of paying higher rates for the re-purchase of the sterling debts. They could not avail themselves of the prices which were offered at the earlier stages of the war. To that extent the Government of India is to blame. And as regards the shifting of the blame to the shoulders of the British Government, I must say that was not a fair deal on the part of the British Government. It is plain that the whole thing was not done in a satisfactory manner, and when the Government of India say that they gave up the open market operations as soon as they found that such operations were not favourable to them, they admit that if they had not adopted the open market operations in the beginning they would have obtained more favourable results. That is the conclusion which can be drawn from the observations of the Honourable the Finance Member. Whatever may be said about the amount of the loss, it cannot be denied that there was some loss to the country, and this loss could and should have been avoided.

**Mr Jamnadas M Mehta** Sir, although the Honourable Member has given me some jerks and taunts, he has offered to make an investigation and, therefore, I am prepared to withdraw on that assurance.

**Mr President** (The Honourable Sir Abdur Rahim) Whatever the reasons may be, he cannot withdraw upon conditions. Has the Honourable Member the leave of the House to withdraw?

**Several Honourable Members** Yes, yes

The motion was, by leave of the Assembly withdrawn.

**Mr President** (The Honourable Sir Abdur Rahim) The next is Demand No. 12. That demand has not been moved. No. 67 is the last motion.

## DEMAND NO. 12—EXECUTIVE COUNCIL

**The Honourable Sir Jeremy Raisman.** Sir, I move

That a sum not exceeding Rs 1,85,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943 in respect of 'Executive Council' "

**Mr. President** (The Honourable Sir Abdur Rahim) Motion moved

'That a sum not exceeding Rs 1,85,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Executive Council' "

*Insufficient and Inefficient Utilization of the Resources of the Country*

**Pandit Nilakantha Das** (Orissa Division Non Muhammadan) Sir, I move

'That the demand under the head Executive Council be reduced by Rs 100'

Sir for purposes of national defence primarily and also for purposes of national reconstruction the outlook of the Treasury Bench, so far as utilising the resources of the country goes, has been traditionally narrow. I shall refer to some of my past experience in this matter. We have always looked to England for our articles of use, so much so that for a long time our outlook has been the British standard specification. We have very often been told in this House that other countries' standard specifications were useless and the British standard was the only standard which India should have. The other day it was said that when the necessity came, even for making a gun barrel the steel was not available in India. I do not know whether it is sufficiently available now, but I know that our steel is not used at all in the making of machine tools and machinery. It is not because such steel cannot be made in India, but because we have never attempted to produce that steel. It is a particular kind of formula, some technical adjustment. But that steel has not been made in India so that we cannot even now produce those machines by which we can make machinery or machine tools. We are always complaining that aeroplanes and motor cars are not made in this country. These are very large questions. But as for power alcohol Provincial Governments have tried, but I do not know whether it has engaged the attention of the Government of India.

Now, petrol from Java and probably from Burma will be stopped and we shall have to depend entirely on the Persian Gulf, i.e., petrol of Iraq and Iran. But, no one again can say what will be the condition there after the spring. Perhaps, all the petrol that our Government can command may be required there in that area. There is every danger. The present war is a war of petrol and we do not know what India will do in the next spring we have some Japanese onslaught from the East. We have never attempted any other sources of supply or any synthetic substance. We read in newspapers that other nations and other countries can manufacture power even from coal and seaweeds, but we do not know, in spite of the heartening lectures we have for keeping up the morale of the country—we do not know what sources we have tapped or are going to tap so far as the supply of petrol is concerned, without which I am sure our army, our navy, our air force will be of no use. That is one aspect of the question. We have not attempted scientifically to tap all our resources for the defence of the country, and I should like to know generally what we are actually doing even today.

The second point I wish to state is that the Honourable the Finance Member has told us in his speech that the present purchases for war purposes have given an impetus to our industries so much that in future these equipments will be utilised for the reconstruction of the nation. The country will be industrialised and our national wealth will increase like anything after the war. But the same traditional blindness if I can use that word, prevails even here. For instance once I asked in this House—I found that in some area salt was selling at three annas per standard seer, whereas in a contiguous area within a few miles salt was being produced. I was very young in those days as a Member of this House. I knew that salt was a Government monopoly and I knew that when all salt was in the hands of the Government the Government must have made some arrangements for distribution to the consumers. For I came to know in this House that it was only Rs. 140 tax per maund, that is, six pice per seer, and the charge for making salt is about four annas per maund. Then it must be three pice a seer or utmost four pice. I asked in the House that in an area very contiguous to the area where salt was being produced, salt was selling at three annas. I asked the Government whether they knew it. They said, 'We do not know where it sells and at what price. Selling we are not responsible for.' Then you do not distribute salt in the country though you have got the monopoly? Even when an area is starved of want of salt, you do not care? They can pay one rupee per seer. There was no arrangement, I do not know if they have now got any arrangement for distributing an article of primary necessity of which they have got the monopoly.

As regards industries, I was often taken in this House to be against protection. It is not exactly that. India is a vast country, it is a continent so to say. There are certain producing areas there are certain manufacturing areas and there are other areas which are much vaster. These are consuming areas. I am not speaking on the provincial basis but I can say that there are certain provinces which are consuming provinces and there are certain provinces which are manufacturing provinces. Here I want proper distribution. We come forward and give protection to steel, to sugar. I look at my own province. It was not then a province, it was part of Bihar and Orissa. In Bihar there was sugar and in Orissa there was none. Now, I can give you a very good illustration in my province though Madras, Bengal and Orissa are all consuming provinces. Mine is a completely consuming province. I once mentioned in this House the amount of indirect tax per head of the population including the protective duty. Each man pays in the shape of an indirect tax to the Government as well as to the industrialists Rs. 4 per head per year. Orissa pays more than three crores of rupees every year, partly to the Indian exchequer and partly to the industrialists. What does Orissa get to add to its purchasing power? Orissa had, however, one way out. Orissa was getting money from the tea gardens. Assam for tea is an industrial centre. It used to get wages from Jamshedpur, Calcutta and Rangoon. But these sources of income are drying up. Now, you ought to try to distribute the advantages of your industrial schemes as well as the purchases for supply throughout the province.

I have on previous occasions spoken for the handloom industry, cottage industry and many other such things. The other day I was very pleased to hear from Sir Homi Mody that the Supply Department was going to have a scheme of village industries throughout India for war supply. I do not know yet what he actually meant by that. But that was my idea.

[Pandit Nilakantha Das]

also all along. But what have you got now? What are the coastal provinces of Madras, Bengal and Orissa going to have? In Orissa we are having practically all the evacuees from Rangoon, Burma, Malaya, Calcutta, Jamshedpur and other places. From Jamshedpur we are probably having only women and children. They have been driven away from there by some arrangement. What are you going to do now? You say that on account of this impetus which you have given to the industry of India there will be a millennium of prosperity after the war. But what are we, the poor people, to do both during and after the war? How are you going to meet this problem of evacuees specially in view of the fact that soon we are going to face famine. Besides, I am compelled to say there may be loot and murder. What is the effect of these purchases? We have already purchased 250 crores of rupees worth of articles, including even foodstuffs. As far as I can see, Orissa has supplied timber worth about two lakhs of rupees, and nothing else. Would you not like to develop certain other industries? You are pouring money in Cawnpore and in Bombay. I do not know what other people have to say about corruption that is going on and how the money is being spent. I am not going to say anything about it. But it is a fact that corruption is going on and you can well understand it. There is plenty of money in the country in the shape of paper and such other forms as coins. I do not mind the money in these forms. But all the same the prices are rising and the evacuees are coming to the coastal regions. I am speaking of Orissa and the case of Madras is practically the same though their purchases are a little better. But if you were to look at the purchases province by province, the result will simply be staggering.

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member has two minutes more to finish his speech.

**Pandit Nilakantha Das** Very well, Sir. You say that the purchasing power has increased. Of course theoretically that is a correct statement. But have you seen what is happening to those people who are living in the coastal regions? To what extent their purchasing power has gone down? All things are not purchased in Bombay. My suggestion is that there should be some Department to stand between the Supply Department, the Defence Department, the producer and the consumer. Some planning department at this juncture is necessary. You are spending so much money for the industrialisation of the country. It should be distributed in some justifiable manner. When you are facing difficulties in defending yourself, you have got to spend so much money. But do not waste all the money. If you do so, soon after the war you will have to face other difficulties and other problems which will be perhaps as difficult if not more difficult. You are going simply to ruin the agricultural India, I mean the coastal consuming India. This is your present scheme.

**Mr. President** (The Honourable Sir Abdur Rahim) Honourable Member's time is up.

**Pandit Nilakantha Das** This is your scheme. But you must have some reasonable scheme of re-construction. Sir, I move.

**Mr. President** (The Honourable Sir Abdul Rahim) (on motion moved 'That the demand under the head Executive Council be reduced by Rs 100')  
 Today being Friday the House will adjourn now and meet at Quarter Past Two

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair

**Mr. Amarendra Nath Chattopadhyaya** (Burdwan Division Non-Muhammadian Rural) Sir, the Mover of this (on motion, Mr. Nilakanth Das, has dealt with the matter with regard to the Supply Department only as to how the Supply Department was inefficiently utilising the resources of the country. I do not want to deal with this question from that narrow point of view. The Supply Department has no doubt given an impetus to industry, but that is a temporary phase and it will some day vanish. After that what shall we do? That is the question. This British Government has been in India for nearly 180 years and more. During this period almost all the home industries have vanished.

**Dr. P. N. Banerjee** There is no quorum in the House. This is an official day. I do not know why the Government Benches are so completely empty.

(The bell was rung and the required quorum was obtained.)

**Mr. Deputy President** (Mr. Akhil Chandra Datta) Before the Honourable Member continues his speech, I should point out to the Government that this being an official day, they should see to it that there is quorum. At least enough official Members should be present to form a quorum.

**Mr. Amarendra Nath Chattopadhyaya:** I was referring Sir, that the British have been in this country for over 180 years we have been living under their civilised government so far. What is the condition of industries in India and what is the condition of the industries in England? The industries in England have almost monopolised the markets of the world so much so that other countries became jealous of the industrial prosperity of England. In India the situation has gone down to such a depth that it would almost require a giant's strength to lift it up. Efficiency is a thing which is foreign to this Government. In fairness and in all honesty the Government themselves have to confess that their administration is inefficient. What is the present economic condition of India? Temporarily some people might have got some income through war, but the masses are grovelling in appalling poverty, in the same way as they had been doing for years before the war. India had her own industries. She had her own home industries particularly. If only the seven lakhs of villages in India had been organised, each for the sort of industry easily available in the locality then India could have supplied all the necessities required by the British Government for the conduct of the war. But that has not been done.

We are told that India has got the Eastern Group Council which supplies all the necessities of the war. What is the use of this Group Council, when we are not able to go out to other parts of the world, other parts of the British Empire, on account of the war situation. Under the

[Mr Amarendra Nath Chattopadhyaya]

present circumstances it is incumbent upon the present Government to find out ways and means as to how to create home industries, if they are at all possible. India is pre-eminently an agricultural country. It is admitted by all. Before the advent of the British, with agriculture, there was harmonious development of home industries. Since these home industries have been killed by the machine industries of England, we have not replaced either the home industries or the machine industries nor have we been able to set up new machine industry that is required in India in proper scale. In India, or for the matter of that in Bengal, there are three main industries, jute, tea and coal. All these are the monopoly of the British. Practically the whole control in jute is in the hands of the British. Only recently 50 per cent of the jute shares were given to Indians. That is a matter of recent occurrence. However, we have no quarrel about that. We have now to see what we can do in the present circumstances by our combined effort. Being cut off from England, the Britishers in India should now feel India to be their own home and deal with the Indian question as we, Indians, want them to deal or as we deal with them. There has been an attempt to create some sort of situation which might induce all the industrialists to co-operate. All the Chambers of Commerce, European and Indian, which are working at present should be united and made into one Chamber of Commerce to give new life and a new lead in the present situation so that we may really efficiently work out the problems of our industries. India being pre-eminently agricultural it is necessary that there should be some attention given to agricultural development of the country so that India might do all that is necessary for agricultural development to produce raw materials.

The question of capital is not a vital question. It is the will and the desire of the people to make themselves absolutely useful and efficacious and efficient, otherwise there is no meaning in moving these cuts. This is not a censure motion, it only advises Government to take up and create an attitude which will make India feel that they are being treated rightly and justly. Efficiency means dealing rightly and justly. The efficiency of India would have been a hundred times greater if the British Government had treated India rightly and justly. This harmonious adjustment of agricultural and industrial development of India is the most important work that the British Government should take up to do now. Although the war is occupying the whole mind of the people and of Government, although the situation is very trying, still we have to think of the future when the war will be at an end, how we will then be able to stand these expenses and strain. Sir, we depend for industries on raw materials. India has infinite potentialities and possibilities to grow raw materials for any industry that the British Government or the people may like to have. And I appeal to the Commerce Member and the Finance Member who have been trying to find out all possible ways and means to give us an impetus to take up this question more seriously. It is not a question of the present war but of the future order of the world and of how India should be able to maintain herself and help the world to live. Sir, India has thus possibility and potentiality, and if the people and Government meet and work together there will be no cause for any anxiety. I, therefore, request the Commerce Member to deal with the question more seriously than he has been doing. An elaborate planning is necessary. Sir I support the cut.



**Dr P N Banerjee** Sir, India is a rich country, but the people are poor. What is the reason for this contradiction? The reason is that there are vast resources in the country, but they have not yet been sufficiently utilised for the use of the people. The Honourable the Commerce Member during the few years of his tenure of office has done something towards industrialising the country, but the steps which he has so far taken have not gone far enough. It is true that some industries are being fostered and encouraged for war purposes. That is right, but there are other industries which will have to be fostered also. There are great defects in our industrial system at the present moment. There are various ways of protecting industries,—first, investigating into the possibilities of industrial development in this country, second, scientific research, third, pioneering, fourth, financial assistance to industries, and fifth, tariff protection. So far Government have during the last 20 years encouraged industries mainly by the last method, but the other methods have not been fully exploited. The time has come when those methods should be utilised to a much greater extent than has hitherto been done. Protection has its good and its bad points, and yesterday some of my Honourable friends pointed out that when protection is given various things have to be considered, these should also be considered before it is continued to some of the industries.

Now, Sir, I should like to point out certain deficiencies in the industrial system of the country. Time was when it was believed in India that the iron and steel industry could not be developed. It was due to the genius of a Bengali scientist and the enterprise of a great Parsi pioneer of industry that that great iron and steel works have been established at Jamshedpur. Now we are coming into the age of the aluminium industry. The steel industry may perhaps soon become antiquated and the age of aluminium may be coming. What are Government doing to encourage the manufacture of aluminium in this country? Bauxite which is the basic ore of aluminium is to be found in abundance in India, particularly in the Central Provinces. But, so far as I know, no aluminium production has been undertaken anywhere. Government should give their attention to this matter because in the manufacture of aeroplanes aluminium is of the greatest importance.

Then there are various chemical industries which also should be fully encouraged by Government. Caustic soda for instance, is imported from abroad. At the present moment there is a shortage in stock and it will be very difficult to get it from abroad. There is also a shortage in the stock of bleaching powder. I am told that the stock will last only a few months and if we do not get a supply from other countries various industries which depend for their manufacture on these two things, caustic soda and bleaching powder, will have to stop their activities. Then there is citric acid. This also is not manufactured in this country, at least to a very large extent, and it prevents the manufacture of various kinds of citrates which are used for medicinal purposes. Then there is sulphuric acid. There are plants only in a few parts of the country. The Bengal Chemical Works of Calcutta manufacture sulphuric acid to a small extent and in Mysore there is a plant, but a very large proportion of sulphuric acid has to be brought from abroad. It is difficult now to import sulphuric acid from other countries. From America a large consignment was coming for the Bengal Chemical Works but the ship was stranded in the Panama Canal, and if the ship fails to arrive the Bengal Chemical Works will be in great difficulty. The basic metal of sulphuric acid is sulphur. Now,

[Dr P N Banerjee]

sulphur is not obtained anywhere in India, but it can be obtained from Baluchistan, and I am glad to know that the Government are now beginning to utilize Baluchistan sulphur. It is in a somewhat impure state and the impurities have to be taken out before it can be fully utilized. But why did not the Government take this step earlier? It is dire necessity which has now compelled them to make use of it, but if the Government had possessed foresight, the sulphur from Baluchistan might have been utilized to a much greater extent to the great benefit of chemical industries of this country.

Then, Sir, there is acetic acid. This is produced in a small quantity at Bhadravati Iron Works, but it is not produced in any appreciable quantity anywhere else. It is possible to manufacture this by synthetic process and this should be encouraged by the Government.

Lastly, I will give another example. It is distillation of coal tar. Now, this industry has a great future because if coal tar could be distilled in this country then the by products would be of very great use to the various existing industries of India and to the new industries which may be established in the future.

These are a few instances in which Government should either themselves pioneer or encourage others who are willing to start these industries. These may be called some of the basic industries on which the industrial future of the country will largely depend.

Sir, as I have said before, the Honourable Commerce Member is moving in this direction. He has established a Scientific Research Board and he has also established a Board for the Utilization of Scientific knowledge. So far so good, but the fund which has been placed at the disposal of the Board of Scientific Research has not been enough and this body is not yet in a position to investigate the scientific possibilities to the extent that it is desirable. Now, with regard to this Board of Scientific Research I may refer, by the way, to a complaint which has reached my ears. It is said that it is proposed by the Department of Commerce that in future no scientist will find any place on this Board or the Utilization Board. I really do not know whether that is true, but I understand that one of the members of this Board—Professor Meghnad Saha—has resigned his seat. I do not know why he resigned, but I should like to emphasise that all the eminent scientists of the country should be given places on this Board so that the Board may be of the greatest help in establishing industries and in investigating the possibilities of starting industries in future. Our primary concern, I admit, should be to develop the war industries, but we should not be so shortsighted as to have no vision of the future. We should look to the future as well as to the present and the industrial possibilities of the country should be fully investigated. For that purpose we should utilize the services of all the eminent scientists of the country and give them their due recognition. I am very sorry to have to bring in this personal question but I hope that if there has been any defect the Honourable the Commerce Member will soon remove it.

I shall say a word as regards the Utilization Board. I think on both these Boards there should be scientists, industrialists and economists so that all questions may be considered from all the different points of view.

With these observations, I support the cut motion which does not seek to censure the Government but which seeks to draw the attention of the Honourable the Commerce Member and his Department to the various defects which exist in the present organization.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member) **Mr. Deputy President** I am at a loss to know what are the topics that have been touched upon in the course of the debate except so far as the speech of my Honourable friend, the Leader of the Nationalist Party, is concerned and what reply I am expected to make. And may I take the opportunity of congratulating my Honourable friend on the place that he occupies today and may I hope that his deputy will soon occupy a seat in a less rarefied atmosphere in this House.

**Mr. Deputy President** My Honourable friend, Pandit Nilakantha Das, to whose speech I always listen with admiration, has ranged over a number of subjects, my only complaint—or my only reason for thankfulness—being that none of them concerned my Department. He spoke of salt and he spoke of various other things. I have no quarrel with the remarks that he has made so long as he has not referred to anything connected with my department.

**Pandit Nilakantha Das** There is no co-ordination between yourself and the Supply Department.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) The Honourable Member is not in his seat.

**Pandit Nilakantha Das** I am in a seat of the Nationalist Party. The seats have not yet been arranged.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) Seats may not have been arranged but it will not do if the Honourable Member goes on changing his seat always.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** My Honourable friend, Mr. Chattopadhyaya, also referred to various deficiencies which exist in the industrial and economic structure of the country. I do not feel competent to deal with the faults or alleged faults of the Government during the last 170 or 180 years. It is much that I can take upon myself if I can satisfy the House that with reference to the subjects in my charge and during the period that I have been in charge of them I have tried to meet the wishes of this House and of the public generally. And so I come to my Honourable friend, Dr. Banerjee, who has dealt with the subject from that point of view and in that narrow sense. My Honourable friend, Dr. Banerjee, was quite right in saying that it is not merely by imposing a protective duty but by various other methods that Government can foster and induce the development of industries. I have taken that view myself for some time. There is one aspect of Government activity or Government help which my friend, Dr. Banerjee, has not referred to, and I suggest that it is a very important aspect or part of government help which can lead to the development of industries. The purchase policy of the government can be so adjusted and if I may venture to say so during the last twenty years has been so adjusted through the Indian Stores Department, and now through that Department which has been submerged in the Supply Department, that the development of industry owes a great deal to that policy of the Government. It is not always by protective duties alone, and I have said so once before in this House, that industries can be properly and adequately developed.

[Sir A. Ramaewami Mudahar]

My Honourable friend referred to various industries which he considered he would like to see developed—he referred to the aluminium industry. What are the facts with reference to that industry? At the present time there are two important organisations which are rapidly trying to develop the establishment of this aluminium industry. The bauxite in certain parts of Southern India and in the Maharashtra country round about Belgaum is being exploited by one Company for the development of that industry, the plant is going to be erected or is in course of erection in the Travancore State, rolling mills are already established in Calcutta, and that Company hopes to be in production very soon. It was a difficult process for them to convert bauxite into alumina, which is the first process, that plant would take some time to be established and they came to government for help to import alumina in the first instance, and to content themselves by converting alumina into aluminium, and government gave them a guarantee of a certain quantity of import under certain conditions. I believe it was 5,000 tons—so that the aluminium required can be produced as rapidly as possible.

There is another company which is prepared to produce aluminium from the first stage, that is, by conversion of bauxite to alumina and by conversion of alumina to aluminium erected at Asansol. I have taken the greatest personal interest in the promotion of the activities of this Company and I was glad to find, after having spent nearly 12 months in trying to regulate the financial and managerial side of this Company, that at last it is now held by one of the foremost of Cawnpore industrialists, a person who can be relied upon to do his best to promote this industry and to see it established at as early a date as possible. I am receiving fortnightly reports of the course of progress of this industry, and Lala Padampat Singhania has been good enough to assure me that everything in his power will be done to expedite the establishment of this industry and we in the Government of India have on our side assured him that whatever facilities he requires by way of trained personnel or by way of imported plant and machinery will be available to him. It is on this basis that those concerns are developing and I think very shortly that aluminium will be produced in this country.

**Pandit Lakshmi Kanta Maitra** (Presidency Division Non Muhammadan Rural) After the war or during the pendency of the war?

**The Honourable Diwan Bahadur Sir A. Ramaewami Mudaliar** By very soon, I mean a few months. I am not predicting how long this war will last.

Now, more than that, the Government of India at a very early stage, nearly 18 months back, have given one of those assurances which I stated on a former occasion Government would be prepared to give with reference to post-war conditions, that this industry will be protected against unfair competition from abroad in the post war period.

My Honourable friend then referred to the heavy chemical industry and to caustic soda in particular. This is one of the items which has been engaging our attention and I am not, I think, disclosing any secret when I say that, apart from the Imperial Chemical Industries which is now in production so far as caustic soda is concerned, another firm, a big industry which is engaged in heavy chemicals,—the Tates,—have promised me that they will be in production of caustic soda from the beginning of April of

this year. We know how gravely short we are of caustic soda, we have tried our best to be self-contained with reference to these materials and we have given all the help that we can with reference to import of machinery and so on, and between the Imperial Chemical Industries and Tatas, not to speak of one or two other concerns, we hope so far as caustic soda is concerned, at least, our requirements will be met by the production of these companies.

My Honourable friend next referred to sulphuric acid. I do not believe myself, after the investigation that has resulted so successfully in our discovery of sulphur in Baluchistan in Koh-i-Sultan, that there will be any difficulty in the production of sulphuric acid. These discoveries have enabled us to find sulphur of 70 per cent purity which can be directly used for the purpose of producing sulphuric acid. We have handed that process to industrialists and we hope to be able to obtain enough of this ore for the production of sulphuric acid. The question of extracting pure sulphur from that ore has been temporarily held up owing to certain difficulties that have now been found to be in the way. The Director of Scientific and Industrial Research is now seized of the proposition, and apart from the usual optimism that prevails so far as Sir S. S. Bhatnagar is concerned, I hope and trust that the assurance that he has given that there will be no profound difficulty in finding a process whereby pure sulphur can be extracted from this ore, will be realised.

My Honourable friend referred to acetic acid. That again is under investigation and very soon we shall be in a position to enable industrialists to produce this acetic acid. I may say with reference to another important item which we do not possess, and the urgent need of which my Honourable Member can visualise, potassium chlorate which is absolutely essential for the manufacture of safety matches, the stocks of which have run very low indeed in this country, I have just received an offer from an industrial concern—the Mettur Chemical Works—that they will be in a position to produce potassium chlorate by a process which has been discovered by one of our scientists, an eminent gentleman in the field of science, Dr J. C. Ghose of the Bangalore Institute of Science. I have just heard that they will be in a position to produce on an industrial scale this potassium chlorate from May of this year, and I hope to have negotiations and the terms on which they can do it, within the next few days when they are coming up to see me in connection with that question.

**Dr P. N. Banerjee:** Very good news.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Now, coal tar derivatives and dyes were referred to by Dr Banerjee. We have paid some attention to this subject. Apart from the fact that there is a research committee which is investigating the question of coal tar derivatives, I have myself been interested from the point of view of industrial production of dyestuffs and the utilisation of coal tar derivatives. I have brought together two of the biggest industrial concerns in this country, each of whom possesses a certain qualification to tackle this subject, it has taken some little time and trouble on my part to bring them together to make them see eye to eye, to adjust any apparent differences that may exist in their minds in coming together, and without disclosing their names I may say that negotiations have so far advanced that these two big industrialists between them acting as a combine will be able to start a coal tar derivatives and dye stuffs industry in this country.

[**Sri A. Ramaswami Mudaliar**]

These are the several ways in which we have been trying, not merely with reference to those conditions which have arisen owing to the war, not merely because of our anxiety to do something to produce what is necessary for the war effort, but even from the long range policy point of view we have been trying to see how far industries can be developed. There are, of course, several snags. I do not conceal from myself that there are difficulties supervening for which none of us are responsible, it is not quite so easy to get machinery from various parts of the world now, the competitive nature of the machinery imported is very low today and countries are not willing to supply machinery for one reason or another it is not advisable, it is not necessary to expatiate on why or how they are unwilling to do so, it does not serve any useful purpose, but these are the handicaps that stand in the way when one likes to rush away with one's enthusiasm for industrialisation of this country.

But barring those difficulties I venture to think that we are quite alive to this problem and though what we have achieved so far may in the opinion of some Honourable Members be negligible, it is fairly substantial as an indication of our own good will and of our own interest in this matter. I understand this motion is not a censure motion, and I am very thankful to Honourable Members who have explicitly said so, and with the assurance and information I have given, I trust my Honourable friend will see his way to withdraw the motion.

**Pandit Nilakantha Das** May I ask one question Sir, about power alcohol?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** I am sorry I did not refer to it. So far as power alcohol is concerned my friend the Finance Member has made it easy for anybody to start this power alcohol scheme. We are in correspondence with the United Provinces Government, and several industrialists have come forward with schemes. The necessary plant and machinery subject to the reservation that I have already made, will be forthcoming for them, and we hope to get that plant and machinery before very long. We are as anxious as anybody else that the power alcohol scheme should go ahead particularly in view of the petrol shortage.

**Lieut.-Colonel Sir Henry Gidney** Sir, I am sorry I came a bit late in this debate otherwise I should have known more of what the Honourable Member said. But what I did hear has convinced me of the great part the Honourable Member is playing in the development of the industries of this country, and I must say he deserves the debt not only of this House, but of India. The pity is that we did not have a Ramaswami Mudaliar long ago. We should not have been in this sorry plight today if we had a man of his drive and enthusiasm in the cause of the development of India's industries.

But there is one thing that I should like to ask the Honourable Member. He has expatiated, if I may use his own word, on various industries which he has been developing and which he hopes, within the very immediate future, to accomplish and so to supplant the needs of certain industries in this country. What I am more interested to know is—I do not think he touched on it in the concluding part of his speech,—is it or is it not possible

to develop and correlate the industries of this country with the defence needs of India? I mean a Co-ordination or Production Department. What I am anxious to know is, how these industries, outside the various small industries such as matches, dyes etc. are being used for the major industrial advancement of this country, I refer particularly to the defences of this country. I want to know if the Honourable Member can tell us how are these going to help our defences. The defences of India are today in a very serious state of unpreparedness and we, in this country, look to Government to try and appease us, to tell us how industrial developments are being carried on for the defence of the country.

**Mr N M Joshi** The American Mission which is expected shortly is going to teach us that

**Lieut.-Colonel Sir Henry Gidney** I am quite aware of it. That mission is expected to come here, but that mission must not forget that it will have to face issues *en route*—I mean the Japanese Navy. That mission must not forget that we can only send munitions to China. That mission has also to remember that we are virtually impotent in regard to machinery which has to come from a distance of more than 7,000 miles and which will be very difficult to reach us today because the Japanese Navy has the command of the Pacific and Indian oceans.

**The Honourable Sir Jeremy Raisman** Not at all. Vast bunches of machinery are reaching this country.

**Lieut.-Colonel Sir Henry Gidney** I am very glad to hear that, but what I mean is this. Those vast quantities of machinery are supposed to reach India and Burma, and much of it is going to China *via* the Burma-China Road. Now, what I want to know is, where is it today and where is the American Navy? If it is coming here, then tell us so, and there will be a sense of satisfaction created in our minds, the feeling, rightly or wrongly today is, there is nothing coming and if the people could only be assured not of remote or possible promises, that there is some substantial machinery coming to us we will all be happy, because we will then be able to defend ourselves and meet the Japanese aggression on our eastern boundaries. I am sure I have the support of this House when I say we feel we are in a very insecure position. And our greater concern is what are we going to do as regards the future. I said in a speech the other day that America has been able to transport an entire aeroplane factory to China and that she has established a scheme in Karachi for assembling motor cars. But what are we going to do to stabilise our defences in the future. That is what I am concerned about.

**Pandit Nilakantha Das** Sir in view of the assurance given by the Honourable Member in charge I beg to withdraw the motion.

**Mr. Deputy President** (Mr Akhil Chandra Datta) Has the Honourable Member the leave of the House to withdraw the motion?

**Several Honourable Members** Yes, yes.

The motion was, by leave of the Assembly, withdrawn.

**Mr. Deputy President** (Mr Akhil Chandra Datta) The next motion is in the name of Mr Jinnadas Mehta. Does he move it, No 38?

*Policy of the Labour Department during the War*

**Mr Jamnadas M Mehta** Yes Sir Sir, I beg to move

'That the demand under the head 'Executive Council' be reduced by Rs 100''

Sir, my motion has a very limited purpose. That purpose is to get a clear enunciation of the policy of the Labour Department of the Government of India during the war. The war makes a very heavy demand on the muscle and the brain of the worker, and the armies in the field, in order to carry on their duties efficiently, must be backed by the working classes to keep production up to requirements. It is really difficult to over estimate the importance of the working class in conducting an active and efficient war when production on a large scale is necessary. We are told wherever we go, Sir, by military officers that they cannot have enough of anything, they cannot have too much of anything. Any kind of productive activity today is necessary to be harnessed, in order to help the war effort. That being so, the worker is a very important element in the conduct of the war, if not quite as much important as the soldier, he is at least nearer to the soldier, and if the soldier is to fight well, he must have help and supplies of all kinds. I need not labour that point because it is self evident. I only want to know from the Executive Council of this Government what is their policy? I submit for their consideration what I conceive should be the policy. There seems to be some conflict between what the Government in England do for the working classes and what our Government are or are not prepared to do for the working classes of this country. A worker, if he has to work under a system where the limit on the hours of work in a factory is taken away or where appeals are made for the increase of the working hours voluntarily when it may be necessary later on to remove all limit on the hours of work, what is the Honourable Member of the Government prepared to offer in return? Obviously, if you work me too hard, and if I am not able to recuperate by rest during the course of the day and by night's sleep, my efficiency suffers. It is, therefore, part of wisdom to keep the worker well fed and well cared for in other respects. I want to know whether the Government of India accept that proposition or not because I find that the Honourable the Finance Member does not accept that proposition. He gave me quite clearly to understand, day before yesterday, that he does not care two brass buttons how many unions I represent. I have never heard such a contemptuous attitude on the part of a responsible Member of the Government for a poor representative of the poor working class.

**The Honourable Sir Jeremy Raisman** Sir, I did not intend to depreciate in any way the function of representing labour. My point was that it did not matter how many labour unions anybody might represent, I did not think that that made any difference to my argument. That was my point.

**Mr Jamnadas M Mehta** But that the representation of labour did not matter for him is quite clear.

**The Honourable Sir Jeremy Raisman** No, no.

**Mr Jamnadas M Mehta** I am happy if he is not so prejudiced. I do not want to read in his speech what he says he did not intend. But later on, his argument left no manner of doubt as to what I am to expect.



from him. It is not merely the contemptuous reference, but the substance of his speech on the effect of the prices on the cost of living has practically unnerved me as to what the working class is to expect under the Finance Ministership of Sir Jeremy Raisman's attitude of mind. He is quite clear that the volume of purchasing power has increased so much in this country that supplies must be restricted, but has the working class got any increase of that purchasing power? According to him, no matter what happens, the worker should not have increased purchasing power. That at least is the most correct interpretation of his attitude.

**The Honourable Sir Jeremy Raisman** I am sorry to interrupt, but I am afraid that those words do not correctly represent my attitude.

**Mr Jamnadas M Mehta** At any rate, he has said this in so many words, I will quote his own words. He said, even in the matter of food, there is nothing further to be done. That is a quotation from what he said.

**The Honourable Sir Jeremy Raisman** I said increasing the amount of money would not increase the volume of supplies.

**Mr Jamnadas M Mehta** Apparently, decreasing the amount of money would be a happy thing. In the fifty minutes of his speech, day before yesterday, he tried to show why the Government servant should not sacrifice, why the rest of the country should sacrifice.

**The Honourable Sir Jeremy Raisman** Sacrifice the same.

**Mr Jamnadas M Mehta** In those fifty minutes I heard nothing but the vindication of the Government servants, with which I sympathise but the total lack of sympathy for the rest of the community, particularly the working class, was most amazing to me. I am now going to show that this conflict between the Labour Department and the Finance Department is most extraordinary in this period of the war. On the Honourable the Finance Member's own admission, the prices of commodities which are essential for keeping body and soul together the working class cost of living—these prices have risen by a minimum of 30 per cent to 51 or 55 per cent. Supposing, I am earning Rs 100 today as a fitter or a mechanic in some workshop, if the Rs 100 was before the war barely sufficient for my purpose and if I am now required to spend for the same standard Rs 155, the Honourable the Finance Member won't give me the additional purchasing power. He will on the contrary take a tax of Rs 20 from me because I earn Rs 200 a year. That is on the ground that the purchasing power in the country has grown. In whose hands? It does not matter if the purchasing power has grown, if it is not in the hands of those who need it. Has the purchasing power of the worker grown? See Sir B. N. Rao's report. Sir B. N. Rao has made a report in 1940 in which he has quoted many eminent authorities, that, while the vicious spiral of what is called inflation should be resisted, it is only consistently with the sound principle that the basic requirements of keeping body and soul together of the working class are also met at the same time. If for feeding the worker and clothing him you want Rs 150 where you needed Rs 100 yesterday to give him Rs 50 extra is not a vicious spiral of inflation at all. Vicious spiral of inflation cannot

[Mr Jamnadas M Mehta]

mean anything else except that you should not increase the wages so far as other requirements are concerned but the basic money substratum of living standard must grow along with the rise in the cost of living. That principle I want the Government of India to accept—that the working class will get a dearness allowance for every rise in the cost of living. That I demand here and I hope I shall get it.

I cannot understand a war being waged when the working class people are suffering from privations, when their children cannot get milk, when their wives have to do without a sufficient number of clothes, and when their daughters cannot get elementary education. If that is the idea of the Government of India then they are entirely wrong. That is not the standard which is accepted in England. On the contrary, the Labour Party joined the Coalition Government only after an assurance of due regard to the welfare of the workers and the equal sacrifice for everybody. On the one hand, the Honourable the Finance Member won't impose any sacrifice on the salaries above Rs. 200 for Government servants and I agree with him because their work has grown—but on the other hand, he will expect the working class to be content with a per capita income of Rs. 100 when the cost of living has gone up by 55 per cent, otherwise, it will become a vicious spiral of inflation. I cannot accept that logic. There is no philosophy in that, there is no economics in that, there is no humanity of any kind in that. That is simply a bare blind method of obtaining revenue. If I were to speak in his own strain I do not care two brass buttons how many Finance Members talk like that.

**The Honourable Sir Jeremy Raisman** I must point out that the phrase "two brass buttons" never in my memory crossed my lips.

**Mr Jamnadas M Mehta** That is the spirit—'I do not care how many unions you may represent. I do not care two brass buttons how many Finance Members talk like that. I say that the working class during the war should get a minimum subsistence consistently with the rise in the cost of living, and that has nothing to do with the volume of purchasing power elsewhere, nothing to do with the rise in prices of commodities except bare necessities of life, nothing to do with any of the slogans which the Honourable the Finance Member raised. I wonder whether he realises what he is doing when he is talking in that strain. He is inviting revolution. He is inviting a direct appeal to the revolutionary spirit of the working class that under imperialism or capitalism they have no future. I therefore, beg of the Labour Department to clearly enunciate their policy, that during the war the standards of the working class will not be reduced. That with a rise in the cost of living—I do not want any more wages—with a rise in the cost of living a corresponding rise shall be given by way of a dearness allowance. 15 per cent is being given in the railways. 30 per cent to 55 per cent is the increase in the cost of living, and I am asking my Honourable friend, Sir Feroze Khan Noon, to make up his mind between himself and Sir Jeremy Raisman whether the working class shall or shall not get this corresponding rise to keep their body and soul together. I think there can be no doubt in the mind of anybody that the standard of living is very low. It is a standard of bare subsistence. If your Rs. 10 cannot suffice for you, you must get Rs. 15. Man must eat. I will, therefore, not take the matter further.

I will now take another point, namely, whenever there is a dispute as there are bound to be disputes if the employers do get the mentality of the Finance Member. His mentality is that irrespective of the rise in the working class cost of living, if the purchasing power in the country generally has gone up there is no need for any dearness allowance. I want that fallacy to be thoroughly exposed and I want that if a dispute arises between the working classes and the employers during the war either in the matter of the dearness allowance or in any other working condition, Government will give facilities for some machinery to be set up. Nothing will be gained by prohibiting strikes merely under the Defence of India Act. The real remedy is that there should be a definite policy about the settlement of all disputes in the quickest possible manner and by some standing conciliation machinery of the type recommended by the Labour Commission. I hope the Honourable the Labour Member will give us some assurance for the quick settlement of labour disputes without interruption of production and without harming the workers. I beg of him to remember that while strikes may occasionally break out, no working class representative is interested in fomenting strikes.

I assure him that if I start a Union, it is to prevent a strike and not to foment it. When there are no Unions, there are more strikes because unorganised labour is willing to listen to any sense or nonsense, while organised labour has a sense of responsibility. I was once lecturing in Bombay as to 'how to prevent a strike' and a communist got up and told me "Is it necessary to lecture on this subject?" Your leadership is a guarantee that there will be no strike. He said that my presence made it a certainty that there will be no strike. That is my attitude. But do not treat the strikes as any exhibition of temper on the part of the workers. Their background is the real need for the redress of some grievances. In order that these grievances may be redressed some machinery is necessary which will be applied immediately without wasting a single working day so that production may go on smoothly, and the working classes may be certain that they will get something.

The last point that I wish to say is this. I find that some Russian workers lately visited England. They watched the productive methods in England and found that there was some necessity for speeding up the work. I was glad to read of the British workers being honoured by a friendly visit by Russian workers. I also request the Labour Member that he should invite some Russian workers here so that the working classes in this country who may be misled by statements of a kind that this is an Imperialist war can be told by Russian workers themselves that this is as much a workers' war as of anybody else. I do not want that you should send workers from here to Russia, because the latter need no direction from us. But you should invite some Russian workers so that we may know at first hand that this is a war in which the working classes are as much concerned as anybody else, that internationalism of the working classes is at stake and that in supporting this war, they are supporting not anybody's interests but the best interests of the working classes all over the world.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Cmt motion moved

"That the demand under the head 'Executive Council' be reduced by Rs. 100."

**Lieut.-Colonel Sir Henry Gidney:** Sir, when I heard my friend, Mr Jamnadas Mehta, speaking in that bellicose and militant voice, I thought he was very unfair to the Finance Member. I heard the Finance Member very carefully and nothing which he said could be given the interpretation Mr Jamnadas Mehta has tried to introduce, but what about Mr Jamnadas Mehta himself? He fancies himself to be the be all and end-all and the Alpha and the Omega of labour problems. I shall presently show the House and the Honourable Member the hollowness of that claim. But I agree with him that today labour is the spearhead of every nation. Mr Jamnadas Mehta erred when he said that the labourer occupies a second place, the first being given to the soldier. The fact of the matter is that without the labourer, the soldier would not be able to fight. I agree that labour demands adequate recognition and must have every sympathetic attention from the Government, particularly because of the rise in prices. And when I say that, I speak with some experience. I do not speak as the President of a Union which mainly consists of paper members as does my friend, Mr Jamnadas Mehta's with his Federation of Railway Unions. I make a positive statement here and I challenge Mr Jamnadas Mehta to deny it. He talked mainly about his authoritative position among Railway Unions. My friend, Mr Joshi, on the other hand has a well-balanced mind and talks with authority about his Trade Unions and we always listen to him. May I ask Mr Jamnadas what is the membership of his Federation of Railway Unions which he represents? Has he got a copy of the last Balance Sheet of that body? Has he got any Annual Report? Has he got the names of the members of the Executive Council? Which Railway does he represent? Has he got any copies of the rules of his Federation? Has he got the names of the Hindu and Muslim members of that Federation and how many Muslims and Anglo-Indians are in it? When he can answer these questions to my satisfaction, I shall look upon him as an authoritative labour leader and the representative of labour. Till he does that, I look upon him only as a specimen *geno hominus* whose great sorrow in his world is that God did not consult him before he made him the first labour union. I agree however in what Mr Jamnadas Mehta has demanded from Government, and I think it is up to the Government to pay the closest attention to that sympathetic attention and which labour demands.

I have had something to do with labour unions, for I am the President of about six or seven unions. Although I am an Anglo-Indian, I am the President of the biggest Indian Union, the Posts and Telegraphs Union which consists entirely of Indians. There are no paper members in that Union and I can tell the Government that the time has come when it has to alter its angle of vision in regard to labour unions and labour grievances. Before the Government introduces any drastic measures against the interests of the labourer *e.g.*, their pay to meet the increased cost of living etc. it must exhibit a closer human touch with the labourer. That is what I charge the Government with not doing in most of the Government departments. Can any one deny that the labourer in India as elsewhere will be the master of India and their employees. I state that the Government which rules this country can be brought to its knees within 24 hours if the labour unions decide to call a strike for it will paralyse your trade and traffic. Therefore, you must realise the importance of this body of people and give it due sympathy and attention. Sir, I commend

this out motion but not in the bellicose and militant attitude of Mr Jamnadas Mehta

**Mr Deputy President** (Mr Akhil Chandra Datta) Before I call upon the next Honourable Member to speak on this out motion, may I take it that the Unattached Party has no objection to the Nationalist Party carrying on up to 4 o'clock?

**Qazi Muhammad Ahmad Kazmi** (Meerut Division Muhammadan Rural) If the Unattached Members will not be given their full time, then I have a serious objection to this proposal

**Mr Deputy President** (Mr Akhil Chandra Datta) The decision of the Chair this morning was

'If the Nationalist Party finds it necessary and if no Unattached Member objects, the Nationalists may be allowed half an hour more today, that is up to 4 P.M.'

I want to know if any Member objects to it. May I point out that it is rather in the interests of the unattached Members to carry on the debate, because the gentleman who is most interested in labour is anxious to speak. However, it lies with the unattached Members. Before Mr Joshi speaks, that point must be decided whether the Nationalist Party will be allowed to carry up to 4 o'clock. May I take it that no unattached Member objects to this?

**Mr N. M. Joshi** I would like to say one word. It is my privilege to speak. If the Honourable Member in charge of the Department loses his privilege, it is not my concern. I should like to know what you Sir, want me to do. However, if the Honourable Member wants to speak, I am prepared to give way.

**The Honourable Mr M. S. Aney** (Leader of the House) May I say Sir, that if the Honourable Member in charge of Labour Department is to speak now, he must be given proper time which is required for a Government Member to reply. As Mr Joshi is requesting the Honourable Member for Government to stand up and reply, I think he has no objection that the debate should be carried on up to 4 o'clock.

**Mr N. M. Joshi** The Nationalist Party had been given some time. Their own speakers on the last motion spoke longer than is necessary. Pundit Nilakantha Das, Mr Amarendra Nath Chattopadhyaya and Dr Banerjee, all took much longer than is necessary.

**Lieut.-Colonel Sir Henry Gidney** I am prepared to give some of the Independent Party's time tomorrow. We have got very few out motions in the name of our Party. I am prepared to give something out of it to the Nationalist Group.

**Dr. P. N. Banerjee** That is a very generous offer which we accept.

**Mr. N. M. Joshi** I am not objecting.

**Mr. Deputy President** (Mr Akhil Chandra Datta) I hope this will satisfy Qazi Muhammad Ahmad Kazmi. I appeal to him to make this concession.

**Qari Muhammad Ahmad Karmi:** Just as it is convenient to the House I would, however, request, let it not be full 4 o'clock. Let the debate on this cut motion finish just a little before 4 o'clock.

**Mr N. M. Joshi:** Sir, I rise to support, in the few minutes at my disposal, what my Honourable friend, Mr Jinnadas Mehta, said, namely, that although you are entitled to ask labour to give proper production and show sufficient efficiency during this war period, yet it is the duty of the Government to see that labour does not suffer. In the first place, Mr Jinnadas Mehta made it clear that on account of the rise in the cost of living, labourers will suffer unless steps are taken to see that the wages increase in proportion to the dearness of food. Sir, Government have not yet taken those steps. There are many industries in which wages have not risen in proportion to the rise in the cost of living and, thus, the Government have failed in their duty in this matter. I would go a little further that this is the chance for Indian labour to secure some betterment in their already low standard of life. If the industries are making an excessive profit, a share of that excessive profit should go to labour also. I think, Sir, the Government of India should take steps to see that labour gets its due share.

As regards what Mr Jinnadas Mehta said that in all trade disputes, the Government should show at least impartiality between employees and employers. Some days ago I asked a question that in the Ordinance which the Government of India have issued compelling certain classes of workers to work in certain factories, the Government of India have made it necessary for the workers to give notice and secure permission of the National Service Tribunal before they leave any particular factory. But, as regards the employers, the employers need not take the permission of the National Tribunal before they discharge their workers. I asked, Sir, the Secretary of the Labour Department whether this was just and he says, yes, this was just. I cannot understand how this can be justice when you compel the worker to take permission of the National Service Tribunal before leaving service of the employer and not put similar obligation upon the employer. This is not the way of treating labour and expecting labour to give efficient production. The Government of India have issued several Ordinances like this one to which I have referred. In my judgment the Government of India have not shown proper consideration for the interests of the workers. They issued an Ordinance regarding the hours of work, increasing the hours of work. Then, Sir, they have issued an Ordinance recently compelling drivers of motor cars to get themselves registered. In this matter of compelling workers to work I should like to say a word. I can understand conscription during war time. But when you apply conscription, it should be applied to all people. Why apply conscription only to the working classes and not to others. If you apply conscription, then it is your duty to see that at least those people to whom you apply conscription are properly protected.

Sir, the Government of India have also issued an Ordinance regarding the compensation for war injuries and they have an Ordinance compelling workers and employers to accept arbitration. In this connection, I should like to tell the Government this, that I can understand the Government issuing an Ordinance and rules during war times regulating the conditions of work of the workmen, but if such an Ordinance is to be issued, I

would like the Government of India and the Provincial Governments, to previously consult the organisation of workers. If in war time there is to be co-operation between the workers and the Government, there should be, in the first place, previous consultation and, in the second place, when you issue an ordinance and when you frame rules, you must also have co-operation of the workers in the administration of those rules and legislation. I would, therefore, suggest to the Government of India that they should have a permanent machinery and Advisory Committee and they should have sufficient labour representation on that Advisory Committee in order to see that war time legislation is not used in such a way that the interests of the workers will suffer.

Then, Sir, the Government also must see that during war time, if you want to avoid strikes, you must try to promote joint working between workers and employers in this country. Here, in India, there are many employers who do not recognise trade unions. Unless the trade unions are recognised by the employers, how can there be harmonious relationship between employers and the workers. If the relationship between the two are not harmonious, then certainly you cannot get efficient production. I would, therefore, suggest to the Government of India that they should do their best to see that there is harmonious co-operation between the workers and the employers.

I know, Sir, that in Bombay, for instance, the biggest industry is the textile industry. There is a trade union, a strong trade union, representing the interests of the textile workers. But the millowners of Bombay refuse to recognise that Union on the ground of its politics. Sir the workers in Bombay do not object to the Members of the Bombay Millowners Association belonging either to the European party or to the Liberal party or to the Congress party. But the millowners of Bombay refuse to recognise Unions on the ground that some of the leading members of that trade union belong to the Communists' party. What has the politics of the leaders of a union got to do with the recognition of a union? Moreover if there is to be co-operation during the war and if the employers and Government have no objection to co-operate with Russia, the fountain-head of communism, it only shows small mindedness either on the part of Government or of the employers to refuse to recognise the unions on the ground of their politics. I would therefore suggest to the Government of India to use their efforts to establish harmonious relations and co-operation between the employers and the employee. Then I would also like the Government of India to see that this co-operation is established not between one big organisation like the Millowners Association and the Ginn Kamgar Union but there should be harmonious relations and co-operation between the workers and the employer in each factory. I will read only a few lines in a telegram from London in this connection.

"A considerable step forward in quickening the war production was taken today when a constitution for factory production committees was signed by representatives of the Ministry of Supply and trade unions having members in Royal Ordnance Factories. The committees will represent workers and managements in each Royal Ordnance Factory. The committees will consult and advise on matters relating to production and increased efficiency in order to obtain maximum output."

I should like the Government of India to form factory committees in India. If they want workers to give proper production, if they want that the production should not suffer they must take steps to see that co-operation is established between the employers and the employed. I hope

[Mr N M Joshi]

the Government of India will revise their policy and do what they can to help the working classes to secure a square deal during war time

[At this stage, Mr President (The Honourable Sir Abdul Rahim) resumed the Chair]

**The Honourable Sir Feroz Khan Noon** (Labour Member) Sir, I have listened with great interest to the speeches made by Mr Jamnadas Mehta and Mr Joshi and also by Sir Henry Gidney. And I am delighted to hear again what I have had an opportunity of discussing with them before in private rooms. Ever since I have been here I have missed no opportunity of keeping in close touch with these two great labour leaders and other labour leaders in order to consult them regarding all matters connected with labour, and many of the suggestions that they have already put forward are already being taken up by us in the Department and we are constantly consulting them with regard to the progress of these suggestions. It is hardly necessary for me to repeat here what I hope they will have fully realised by now, that my sympathies are entirely with people engaged in the country's industries which depend very greatly on the willing co-operation and welfare of the worker. And they already know that since I have been here we have taken several steps to ameliorate the condition of the workers in this country. The question of the rise in cost of living and rise in wages is always before Government and we are constantly drawing the attention of employers all over the country to the desirability of avoiding strikes and making peace with workers and adjusting their wages in accordance with the rise in the cost of living.

One of the great difficulties which my two labour leader friends are already aware of regarding the rise in the cost of living is the lack of statistics, and in consultation with them we have already taken steps to collect statistics. But those statistics will not be of much use to us till a certain period has been covered. It is a well recognised thing all over the world that the cost of living particularly in war time, goes up by means of an electric lift and the wages in all countries in the world climb up by a ladder, and when the war is over the prices come down by an electric lift and the wages climb down slowly by a ladder. But, certainly, there is a great deal of justification and truth in what the Finance Member has been saying here and in the other House that it is a vicious circle, that once you begin to raise the wages the cost of living also begins to go up. But that in my opinion is no reason for denying to labour a rise in their wages to meet the rise in the cost of living which is inevitable. And it is for that reason that Government have constantly pursued a policy of seeing that the employers treat labour fairly, and I must say that it is to the credit of the employers in many places, at least so far as my experience goes that they have always been accommodating. I understand that in Bombay textile industry there is already, no doubt through the influence of my Honourable friend, the labour leader there, a standing agreement between the workers and the employers, and the wages go up automatically in accordance with the rise in the cost of living. And I hope that that system of standing agreement will be followed by other employers in other industries all over the country in order to avoid the constant fear of strikes.



There is one thing which is very important not only from the point of view of the war production but also from the point of view of the prosperity of the industrial life of this country, and that is that we must always avoid strikes, and strikes can be avoided only if workers are treated fairly. On the other hand the workers and their leaders should be reasonable when dealing with employers, because it is not in the national interest that the demands of workers should be so exorbitant that our industry fails when it has to compete with other good and better-organised industries from abroad or elsewhere. And it is for that reason that it is always desirable for both parties, labourers as well as employers, to follow a course of friendliness and a process of give and take in which lies the safety of our industry. There is no doubt that many people have argued that a rise in prices and wages is sometimes a good thing because it circulates money and more goods are produced, and it raises the standard of living in the country as a whole. It is sometimes argued that the Americans have by artificial means stimulated their industry by raising and controlling their prices. I do not offer any personal views on the subject, these are things for which you can argue both ways and you can find very strong arguments in favour of one class or the other. But of one thing I am certain, that the prosperity of the worker depends on the prosperity of the industry and the prosperity of the industry depends on a spirit of compromise between the workers and the employers.

I just wish to say one or two words about the question of strikes. I should like to take this opportunity of paying a tribute to the leaders of the working classes in this country, and, particularly, to my two friends here, who have constantly given Government every assistance possible to try and avoid strikes, and the country owes them and other labour leaders a debt of gratitude for the great national work that they are performing today in trying to avoid strikes, and I hope they will continue to do the same in future.

So far as the question of trade unions is concerned, my two friends here more than anybody else in this House or outside are aware how strongly I personally am in favour of the recognition of trade unions in order to provide a proper channel through which employers can negotiate with the workers. The disorganized worker is liable to fall into the hands of agitators and other troublemongers, but if there are recognized trade unions, I am personally of the opinion that trouble in industry is likely to be avoided rather than to be encouraged, and I must say that whenever we have had any discussions with the employers on the subject they have always been very liberal in this respect and have been in favour of recognizing trade unions. I hope that that process will continue and before long we shall have recognized trade unions working all over the country in all industries for the benefit of the working classes as well as the industry of the country.

One labour leader made the suggestion that we ought to consult workers with regard to troubles in industries and other labour matters. With that suggestion I am in complete agreement and my two friends already know that I have never hesitated to express my opinion that in all cases connected with labour the employers as well as workers and the Government and the public representatives are all to be consulted. Because in those meetings we have to deal with problems which are of

[Sir Firoz Khan Noon

great value to the country, and we are already taking steps to bring to the notice of the Provincial Governments this very suggestion which my two Honourable friends have already made to me in our private conversations. I have not slept over those suggestions. They are under active examination. But in this respect we have to carry the provinces with us as it is the Provincial Governments who have to administer all labour legislation.

So far as the question of legislation in the interest of labour is concerned, Honourable Members are aware that we have already had the War Injuries Compensation Ordinance and we have also taken steps to secure the safety of workers from enemy attacks while working in factories. We have the Technical Services Ordinance to ensure that workers are kept in certain notified factories and are assured of fair conditions. We are also taking steps to make our labour tribunals to serve the purpose of labour exchanges for technical personnel. Apart from this, Honourable Members are aware that we have recently been dealing with Workmen's Compensation Act which is also designed to help the worker in certain difficult circumstances.

Sir, I do not wish to take up the time of the House any longer and I wish to assure my Honourable friend that what he has at heart is also at my heart and he will receive my fullest co-operation in anything that he wishes to do to remove injustices where they exist in the case of labour and to see also that the interests of industry from the national point of view are also fairly and justly treated, and with these assurances I think that he will remain satisfied and it will not be necessary for him to press his cut.

**Mr. Jamnadas M. Mehta:** Sir, in view of the assurances given by my Honourable friend, I wish to withdraw the cut motion.

The motion was, by leave of the Assembly, withdrawn  
*Repressive Policy of the Government*

**Qazi Muhammad Ahmad Karmi:** Sir, I move

"That the demand under the head 'Executive Council' be reduced by Rs 100."

The question of repressive policy has been discussed in this House on many occasions and there is no necessity for me to go into the details that have already been gone over again and again. When the war came all the Congress Governments were working and the whole of India was satisfactorily carrying on as a constitutional country. The British Government joined the war and also declared that India was a party to the war. Objects of the war were declared and it was at that time that Indians started demanding a declaration from the Government so that they may know as to where they stand in connection with the objects of the war. It was with the British Government's denial to fully describe the status of India that the political agitation began and this repression was started. At the time when the Defence of India Act was passed, certain assurances were given to the House. They have been read again and again before the House and so I will only quote a part of the speech of the Leader of the House at that time. Quoting Mr Churchill, he said

"This is a war to establish and revise the stature of man. Perhaps it may seem a paradox that a war undertaken in the name of liberty and right should require as a necessary part of its process the surrender for the time being of so

many valuable liberties and rights. We are sure that these liberties will be in hands which will not abuse them and which will cherish and guard them and we look forward to the day confidently when our liberties and rights will be restored to us and when we shall be able to share them with people to whom such blessings are known."

Now, Sir, this undertaking was given by the Leader of the House in respect of the Act that was to be enacted and was to be an all India Act. There was no suggestion, there was no idea that this Government will cease to be responsible for the administration of those laws. But this Government is adept in the art of creating fictions. They have created political fictions and the political fiction that they have adopted in this particular case is the fiction of Provincial Autonomy. When as a matter of fact, almost seven Provincial Governments were not functioning and those provinces were absolutely under the bureaucracy, this fiction of Political Autonomy continued and the Government of India persistently refused to consider the question of political prisoners under the Provincial Governments. Sir, my point is that as far as the rights of subjects are concerned, this Government is a very great constitutional Government but so far as their own purposes are concerned that constitution comes to an end. They separated Burma from India. They said that one country will have nothing to do with another.

**The Honourable Mr M S Aney** The Government of India did not separate Burma from India.

**Qazi Muhammad Ahmad Kazmi** I am sorry their masters did it.

**Mr. N M Joshi** (Nominated Non-Official) The agents are also responsible for their masters' action.

**Qazi Muhammad Ahmad Kazmi** They separated India and created a number of problems—that of immigration, that of export and import, that of perpetual disputes between Indians and Burmans.

We find that Burma was separated from our country, we also find that the Premier of that country after seeing Mr Churchill was detained on his way back from England, and now Burma is under the Indian command. That political fiction was there only so far as the Indians were concerned; but now that the question of defence has come in, it is under the Indian command, and the Indian taxpayer has to meet the cost of the defence of Burma. I do not say that it is not the duty of the Indians to defend their country even in Burma—they must be prepared to defend even in far away places. All I say is that now that Burma is attacked, it has come under the Indian command as a subsidiary to India and not as a separate country. That fiction was only for the time being in order to create disputes between our people and the Burmese, but as soon as an emergency arose they say that Burma and India ought to be under the same command. Similarly, this Provincial Autonomy is very difficult to understand—as to how far the Provinces working it are really autonomous. They are administering these Defence of India Rules in the worst possible way, even carrying on a vindictive policy, but when we come to the Government of India and ask them, for some relief they say that because of Provincial Autonomy they have neither got any information nor can they interfere.

After the assurances given to this House for the proper administration of this law, it is not decent for Government to deny their responsibility, on the fiction that Provincial Autonomy is at work in some provinces. What happens after that? War comes nearer to India and the Government consider revision of their policy. I do not know whether it was in consequence

[Quazi Muhammad Ahmad Kazmi]

of the opinions of this House or the changed conditions due to the war, or to their own sympathetic mentality, the Government started reconsidering their policy. It took them days and days and perhaps months before they could come to a decision on this point. Ultimately, after the last Session of the Assembly had adjourned, they came to a decision to release some of the political prisoners. No doubt we thank them for that, but the question is whether they have any imagination and whether they understand the situation and whether they even now realise that the detention of these persons was nothing but wrong. I submit they had a narrow minded policy when they wanted to invent a formula for the release of political prisoners which they could apply as they liked. The formula they invented was that the offence must be a formal one. What was the necessity for this formula? According to the statement of the Honourable the Home Member there were 7,216 persons who had committed various kinds of political offences, had been tried by the courts and had some definite terms of imprisonment. That number was 7,216. The Home Member also told us at the time that out of this number, 5,655 were satyagrahis, and in dealing with those who had been detained under the Defence of India Rules, he told us that out of 1,759 detainees 493 were satyagrahis, 310 were of a category to which the Resolution did not apply and about 956 were suspected of revolutionary tendencies. Those were the categories which were dealt with before the House. It will be strange to find that most of these 493 persons who were satyagrahis were not released. My point is that the formula whatever it was must have been applied to cover the cases of every person convicted of a non-violent political offence or detained for it, and not on the extent of the offence. One person might have made a speech of two hours and you do not apply the formula to him, another makes a speech of fifteen minutes and you apply the formula to him. Yet another man though he spoke only for five minutes is considered to have made a harsher speech and so the formula is not made applicable to him. How do you bring in these distinctions? Are these things recorded? You have a formula which the authorities can apply to any one they like and leave the others? I can just give an example. Maulana Habibur Rahman, an ex-President of the All-India Majlis-i-Ahrar met Mr. Rafi Ahmad Kidwai about the co-ordination of the activities of the Ahrars and the Congress. Both of them met at Allahabad. After they had both returned to their places, one was detained by the United Provinces Government and the other when he returned to Lahore was detained by the Punjab Government under the Defence of India Rules. After the coming into operation of this formula one gentleman has been released, the other is continuing in jail. Why should there be this difference in treatment? I had just an opportunity of meeting Maulana Habibur Rahman, and I can assure you that it is impossible for people who have been living a decent life outside, to carry on under those conditions. I had to go from Allahabad to Montgomery for seeing this gentleman, and the time of interview allowed was half an hour. You can very well conceive that a person who wants to meet him has got to travel 1,600 miles before he can talk for half an hour. Then at the time of the interview, two jail officers, one sub-inspector of police and one other police officer were present. Of course, there was no harm by their being present, because I had nothing confidential to talk to him, but when we find this condition is applied even when his wife and children go to meet him, when *purdanashin* ladies go to meet him, then you can understand the rigour of the law. Personally it was no inconvenience to

me to talk before the jail officials but of course it was humiliating. But so far as *pardanashin* ladies are concerned, they are not expected to talk to their own people in front of outsiders, and probably no *pardanashin* lady would talk to her husband in the presence of outsiders, and, particularly, in front of an audience of that type. This law is applicable not merely to Maulana Habibur Rahman, but it is applicable to every other detenu.

Then Sir, another thing is, they are not allowed to mix with other political prisoners in the jail. Recently, I have heard that Maulana Habibur Rahman had a very serious heart attack, and he has lost about 25 lbs. in jail, and no doctor is allowed to visit him without the permission of the D I G, C I D, who resides at Lahore. You have got to correspond with him, before permission is granted even to the medical officer to visit him. Again, I have heard that recently they have gone a step further. Before a visitor is allowed to interview the detenus, he has to send his photograph along with his application, in fact he must carry the photograph with him so that it may be compared with the one he has sent with his application. Are these things conceivable in any civilized country? If a person wants to see a detenu detained in the jail, he must first send his photograph along with his application to the D I G, C I D, at Lahore. In most cases the D I G, C I D, is bound to refuse permission, but if perchance he grants the request of the applicant to go to Montgomery jail,—which is considered to be the Andamans of Punjab, Jails because it is situated far away from Lahore and other places—he has to take his photograph with him and fulfil all the other requirements imposed by the police authorities. As I pointed out yesterday, there is no competent doctor available in the city itself. What about the jail? If you want to take a doctor to the jail, it means a certain amount of money which is not to be paid by the Government. When I went to Montgomery there were about 18 or 20 detenus in the jail. Now, Sir, I have heard that all of them have been removed from Montgomery to Gujrat jail and Maulana Habibur Rahman is all alone.

**Mr President** (the Honourable Sir Abdur Rahim) The Honourable Member has only two minutes more.

**Qazi Muhammad Ahmad Kasmi** This kind of treatment can only be characterised as vindictive, and I say that it is for the Government of India to consider the cases of these people.

Coming to the general aspect of the case I would like to know the actual number of persons who are still under detention, and how Government propose to deal with their cases. My one complaint is that the Honourable the Home Member told us that these people are suspected of revolutionary activities, but whether they were engaged in violent or non-violent activities is also a fact which is not known to us. Will the Government make it a point to tell the persons who are being detained the reason for their detention? We cannot even ask the Honourable Member as to whether the case of a certain person comes within the definition that has been invented by the Government of India, as we do not know the reason for his detention. The position is a difficult one. So it is necessary that in cases of persons who have been detained they should be informed of the reasons for which they have been detained. Now I find that the Provincial Governments have appointed committees to examine the cases of detenus. I think the thing must be done rapidly. No doubt

[Qazi Muhammad Ahmad Kazmi]

the Government of India is a very heavy machinery. It moves and moves so slowly that I remember that on the arrival of Generalissimo Chiang-Kai-Shek, nothing was done, but they brought a Resolution of welcome to him at the time when he departed from this country. They move so slowly. They have also to remember the Persian proverb—

*"Tā tiryaq a Iraq awarda shuwad man qazida munda shawad"*

"Till the specific remedy will be brought from Mesopotamia, the snake bitten will die."

**Mr President** (The Honourable Sir Abdul Rahim) The Honourable Member's time is up.

**Qazi Muhammad Ahmad Kazmi** I have also finished Sir. I only hope that the Government of India will consider all these matters.

**Mr President** (The Honourable Sir Abdul Rahim) Cut motion moved.

"That the demand under the head Executive Council be reduced by Rs. 100."

**Mr N M Joshi** Sir, on this occasion I do not wish to deal with the question whether the repressive policy of the Government of India is justified or not. I had on several occasions protested against that policy. Today, Sir, I wish to deal with the question of the necessity of early liquidation of that policy. The Government of India on December the 4th by issuing a communique has partially liquidated that policy, and on this occasion, Sir, I would like to tell the Government of India to complete that liquidation at the earliest moment. When on the 4th of December they issued their communique, they forgot certain factors in the Indian situation. In the first place, Russia some months ago entered the war, and on account of the entry of Russia into the war, the Communist party in India and also others who follow the Marxist policy had changed their attitude towards the war. It is true that they were at first opposed to India's participation in the war, but after Russia's entry into the war, they decided after some consultation among themselves, that the war had become a popular war and the Indian public should unconditionally support the war. It is true that at the same time they made certain demands for improvements, economic and political, but their main thesis was that the war having become a popular war it should be unconditionally supported. Similarly, Sir, the Kisan leaders too came to the same conclusion. I know that Shujahanand, the greatest Kisan leader of India, has declared in a statement that the war, after the entry of Russia, has become the peoples war. I feel Sir that after this change in the attitude of the Communist and Kisan leaders, the Government of India should have released them immediately.

The Honourable the Home Member had stated that he has taken steps to appoint some reviewing authority, and that the Provincial Governments too have done the same thing. But Sir, this method of reviewing of cases does not suit persons of all temperaments and also persons who belong to certain organizations. I shall read, Sir, a sentence from one of the letters I have received from a detainee which makes his point of view very clear.

"I have seen your suggestion that in the near future we may be given an opportunity of explaining our new view point regarding the war. I am confident you will

appreciate it when I point out to you that so long as I am held in duress, I cannot be expected to make any statement which can even remotely be interpreted as an awkward attempt to buy my freedom."

Sir, there are people who are sensitive, who have a very high sense of their dignity, who have a very high sense of their freedom of human beings. They do not like to make a statement while they are in jail regarding their views so that it might be said that their change of attitude was in order to secure their release. Well, Sir, I am personally a man of practical bent of mind, but still I appreciate the view expressed by a friend of mine in his letter.

Then, Sir, this reviewing authority and the procedure do not suit people who belong to a party. The Government of India while writing to those people as to why they were detained have stated that they were detained because they were members of the Communist Party and they were acting in accordance with the views of the communist party. The Government, when it recognises that people were detained on account of being members of a party, should also recognise that it is not easy for individuals belonging to that party to make declarations regarding their policy unless they have an opportunity of mutual consultation. Most of these communists are in jail. They have no opportunity of mutual consultation, they, therefore, find it difficult to express their views. I have no doubt that the Government of India will realise this difficulty, and, if I may say so, when I had a talk with the Honourable the Home Member on this question, I thought he appreciated the difficulty and I suggested to him that if some of the detenus did not send in a reply he should write to them again. I find now that he has done that, but we have to deal not only with the Government of India but with Provincial Governments as well. I find from reports in the newspapers that the Madras Government had appointed a Judge to review the cases, and as a result of the review only four persons have been released. This disappointing result, in my judgment, is due to the fact that people in jails in Madras had no opportunity for mutual consultation. They do not know what their colleagues in Bombay have stated. On account of this the difficulty has arisen. I would like the Honourable the Home Member and the Government of India, therefore, not to depend too much upon this dilatory process of reviewing. It is a dilatory process because the Honourable Member spoke about reviewing on November 18th, and the reviewing is not yet finished. It is going on. I would, therefore, suggest to the Honourable the Home Member now not to depend too much upon this dilatory reviewing procedure. I would suggest to him to take other steps to liquidate the repressive policy.

I feel that the Government of India should now take note of another situation that has happened during this war, and that situation is that the Government of India, the British Government and the allies have become the allies of Russia. This has made a great change as regards the attitude of the British Government and of the British people towards the communists, and I hope that the attitude of the Government of India also will change towards the communists. If they treat Russia as an ally, let them treat the Indian communists as an ally. As a matter of fact, some of the commanding officers and the Governor in Malaya offered co-operation to the Chinese communists. If they could do that, I think they can also

[Mr N M Joshi]

offer co operation with the Indian communists. You may have read in the papers that recently the anniversary of the Red Army was celebrated all over the world. Mr Churchill sent a message of good wishes to Mr Stalin regarding the anniversary of the Red Army Day. I thought that on that day the red flag with hammer and sickle would fly over the Viceregal Lodge in Delhi and also on the room of the Honourable the Home Member in the Imperial Secretariat. But unfortunately, I did not see the red flag there on that day. But I would like the Honourable the Home Member to consider this question seriously, whether he should treat the Indian communists with that distrust which he might have been justified in showing some time ago.

I do not wish to deal with this question at great length, but I would like to make an appeal to the Government of India and the Honourable the Home Member. My appeal is this. We find from papers that there is to be an announcement, an important announcement regarding constitutional changes in India. I would like the Government of India to take steps to make another important announcement along with that announcement, namely, that all the security prisoners and all the political prisoners in India are released. If the announcement which the British Parliament, Mr Churchill and others are going to make is to receive proper consideration at the hands of the Indian people, I think a simultaneous announcement that all the security prisoners are released will help a good deal towards the proper reception of that announcement. I, therefore, make an appeal to the Honourable the Home Member to the Indian Members,—the Honourable the Law Member, the Honourable the Leader of the House and other Indian Members of the Executive Council—and if my voice could reach Great Britain, I would make an appeal to Mr Churchill the Prime Minister, an appeal to Sir Stafford Cripps who has recently become the Leader of the British Parliament, to Mr Attlee and to my friends of the Labour Party and the trade union movement in England, that this is an occasion to liquidate the policy of repression. When they are announcing constitutional reform, they should not fail to make an announcement that all the political prisoners in India are released and everybody here is free. If the constitutional reform announcement is to announce the freedom of India, I am sure that announcement must include the freedom of the people at present rotting in the Indian jails.

**Mr Amarendra Nath Chattopadhyaya.** We have been dealing with this question of repressive policy from time to time on the floor of this House, but the present time has its special value. Sir, repression is the result of weakness, a weakness that comes out of fear and out of guilty conscience. Whom are the British Government repressing? People who are suspected of cherishing the thought of freedom. Why is the whole world mad after human slaughter? The whole world has become a mere shamble, and why? Because nation after nation has come under the heels of the Nazis, and Mussolini and Hitler have taken it into their heads to repress all nations of the world and subdue all countries in order to make themselves the topmost nations in the world. Sir, His Majesty's Government and Russia and 26 other nations have joined and combined together to carry on the war to maintain the freedom and power of democracy. Democracy is sought to be crushed by Fascism and Nazism.

Sir the policy of repression in this country has been going on ever since 1818 and it has become the creed of the British Government in



India. It is disgraceful for any civilised Government to have a law on the Statute Book by which patriotic men are sent to jail without trial, without even a show of trial and they are still persisting in that policy. Is it not incumbent upon the Honourable the Home Member to think thrice and to give his best consideration to this question of repressive policy at a time when he wants every Indian to think that this war is the war of India? Long have we strained ourselves to convince the British Government in India that this policy will not work and that this policy will not pay in the long run. At such a time when every Indian is inclined to help the Government why should not the British Government change its policy? Mr Joshi has very clearly put that the British Government has now Russia as its ally. It is an ally which is so helpful, so brave and so courageous that it has made it possible for England to carry on this war. Therefore, the communists who are intellectual communists only and who are not actual communists but have only accepted the philosophy and the ideology of Russia should not be confined in jails. Why should these people who were found guilty and convicted some 15 or 20 years ago for any political activity be kept in jails even now? It is the duty of the Government to show human sympathy towards them and to create love between the government and the governed. It is indeed a matter of pity that we have been talking to ears which do not hear. Ours is a cry in the wilderness yet. But Government should take the present situation into consideration and the Honourable the Home Member should not make any further delay in coming to a decision about those prisoners who have been still rotting in jail for over 20 years for their political work. Their convictions and their craving for independence might have led them away but the time has now come to consider their cases and give them freedom when world is fighting for freedom. Sir, it is high time that this policy should be abandoned and the policy of friendship should be adopted.

**The Honourable Sir Reginald Maxwell** (Home Member) Sir, this motion has been made an occasion for reviving topics of discussion which have been debated in this House several times lately and some of which are still under debate. The House will, therefore, excuse me if I do not attempt to go over all the ground which has been covered in previous speeches. At the debate at the last Session I attempted to explain as fully as I could the policy of Government in regard to the imprisonment or detention of persons whose activities were believed to be prejudicial to the prosecution of the war. I gave the House then the figures of these persons and I also explained the relations between the Central and the Provincial Governments in administering the Defence of India Rules. I showed there that Provincial Autonomy was no fiction but it was a matter which had to be taken into consideration. I can give the Honourable Member the figure which he asked for when he wished to know how many persons were still under detention. I can give the figure up to the 15th of January only. On that date 1,189 persons were undergoing sentences of imprisonment for offences against the Defence of India Rules in the whole of India. Those offences include offences of all sorts and not only those in regard to which repression is alleged. Then, on the same date 1,171 persons were undergoing detention in the whole of India under Rules 26 and 129. Those, again, include persons about the propriety of whose detention no question could possibly be raised. Even supposing that all these figures were included within the scope of the Resolution, it would be impossible for anyone to maintain

[Sir Reginald Maxwell]

that repression existed in this country when only, roughly 2,200 persons are in any kind of custody out of the 400 millions of Indians

I deny entirely on behalf of Government that our policy is repressive. I have looked up the definition of 'repression' in the Oxford Dictionary for purposes of this debate. I find that to 'repress' means check, restrain, put down, keep under, quell, suppress, prevent from sounding or bursting out or noting. When I consider the words 'prevent from sounding', I must remark that the mere fact that the Honourable the Mover of this motion is still at large is complete answer to those who say that repression prevails in this country. But I think that the word 'repression' is used somewhat loosely, or the general significance given to it in these debates is that it conveys a certain reproach to those exercising the alleged repression. That is to say, the sympathy of the speaker is on the side of the repressed rather than on the side of the repressor. That, however, depends on the point of view of the speaker. If, for instance, the Honourable the Mover found himself confronted by a hungry tiger, he would not regard it as repression if a policeman came along and shot the tiger. He would regard the matter from his own point of view, and not from the tiger's point of view. But I, on the other hand, as a disinterested spectator might say. Therefore, as I have said, these things depend to a large extent on the point of view, and that again was a matter to which I drew some attention in my speech earlier in this Session with regard to the release of political prisoners, where I deprecated the kind of assertion which says that the release of all these persons is necessary in order to conciliate the public. I know that I must be careful of what I say on this subject because the remarks which I let fall on that occasion appear to have provoked an entirely unexpected outburst from certain quarters. In fact it has become quite fashionable to attack me personally in this connection in the press and on the public platform. Well, I do not mind such attacks, they will not influence me. In fact, I daresay that many of them are deserved. At least I can say with all the humility of which Sardar Sint Singh is capable that I realise that there may be faults on both sides.

In some respects, it is satisfactory to me to know that my least utterances can so electrify the elder statesmen. But I might tell the House that a few days ago, by one post, by the same post, I received two letters. They were both letters of thanks. They both related to persons who were detained or who were under imprisonment. In one case the letter thanked me for my intervention and said, "please accept my hearty thanks for paying prompt attention to individual cases in spite of heavy pressure of work." In that case the person referred to had obtained his release. In another case, which had not resulted in release, I also had a letter acknowledging with thanks the one which I had written giving particulars of the case and expressing gratitude for the trouble which I took in the matter myself. All I have to say is that letters like these give me far more pride and satisfaction than anything which I could derive, than any cheap popularity which I could earn by failing to take steps which I consider to be my duty. As I have told the House before, neither I nor the Government have the slightest desire to exercise repression or to keep any person in custody who is not really dangerous and whom we do not honestly believe to be dangerous.

If I believe a man to be innocent, I shall leave no stone unturned to secure his release, and if I believe him to be a menace, then I must do my best to see that he is prevented from fulfilling his object. That is the point of view from which we approach this review of the cases of persons detained which was referred to by my Honourable friend, Mr. Joshi. He asked us to remove the difficulties which there might be in the way of these people representing their cases before the Tribunals who have them under examination. I have done my best to remove every difficulty which he pointed out to me and as he admitted some such difficulties have been removed. But the object of the Government must be in regard to communists generally to find out whether in fact their attitude of mind is such that if they were at liberty, they would abstain from any activities likely to frustrate the war effort. We have a very heavy responsibility on us to see that no danger is let loose on the country in addition to the very great dangers that threaten it from outside and without any desire whatever to keep people in custody merely for the pleasure of it, we have to see that our duty in that respect is discharged and that the very great dangers which surround us are in no way augmented. The review which is now taking place will, I hope, give opportunity for sifting out cases. In several cases, I am informed that the Provincial Governments have themselves approached the matter from this point of view and without waiting for the verdict of the Tribunals have themselves taken the initiative in releasing certain persons. If that can be done, no one will be better pleased than myself. You must still remember that among the persons detained there are many who are really dangerous and the House must give the Government credit very often for knowing more about these cases than is known to members of the general public.

**Mr. Amarendra Nath Chattopadhyaya:** Is every one of them dangerous?

**The Honourable Sir Reginald Maxwell:** I did not say every one is dangerous. I shall only be too pleased to be satisfied that certain cases are not dangerous. My one object is to find out which cases then are really necessary to detain and at the same time not to take unjustifiable risks in these days. Actually my Honourable friend, Mr. Joshi, was complaining of the dilatory procedure which is being followed in the review of these cases. But the very case which he quoted, namely, that of Madras, appears, if his information is correct, and I may say I have no information myself of that kind, to be due to the speed with which the operation was conducted there, so that the conclusion was arrived at on some of these cases before the prisoners themselves had made up their minds whether to put in any representation on their own behalf or not. In fact, I anticipate that we may even be asked to extend the period during which the review is in progress in that Province or for us to give time for those persons to make their own representations. That, Sir, is all that I need say in answer to this motion and I hope that the House will be satisfied with what I have said and realise that there is no such thing as repression calling for any condemnation of this House.

**Mr. President (The Honourable Sir Abdur Rahim):** The question is "That the demand under the head 'Executive Council' be reduced by Rs. 100." The motion was negatived.

*Pension of Inferior Servants of the Government of India*

**Mr. N. M. Joshi.** Sir, I beg to move

"That the demand under the head 'Executive Council' be reduced by Rs 100"

Sir, my object in moving this cut is to try to persuade the Honourable the Finance Member to do justice to the employees of the Government of India who are known as inferior servants, as regards their pension. Sir, this question has been discussed in the Assembly several times. It was discussed during the Budget debate two years ago. I need not take up the time of the House in explaining the whole situation regarding this question. The House knows it very well, the Honourable the Finance Member knows it well also. However, I must recapitulate a few of the things regarding the present situation about pensions paid to the inferior servants of the Government of India. Sir, the Government employees belonging to the subordinate branches at present, as things stand, do not get pension equal to half their salary, after thirty years service. Sir, the Government of India do not give pension to this extent to their inferior servants. In the first place, the Government of India have put down a maximum of Rs 8 as regards the pension to be paid to the inferior servants which acts very disadvantageously on some of the persons belonging to the inferior service. Sir, there are many people in Bombay and elsewhere whose monthly salary is much larger than Rs 16. Some people, especially in the postmen's cadre get Rs 30, Rs 40 and even more in the case of some of them and in their case, ordinarily half the pension will be Rs 15, Rs 20 or even more. But in the case of the clerks who generally get from Rs 40 to Rs 200, they get full half the amount of their salary as pension. I do not know why the Government of India should have put the maximum at such a low figure as Rs 8, so that a large number of the Government of India's inferior employees lose a great deal as regards pension.

**The Honourable Sir Jeremy Raisman.** Sir, may I ask the Honourable Member whether in referring to postmen he has not made a mistake? My information is that postmen are not classed as inferior servants.

**Mr. N. M. Joshi.** I am sorry, I should not have said, postmen. I should have said, telegraph peons and also the inferior servants of the Postal Department, packers and others. I am sorry for the mistake.

Sir, it was wrong for the Government of India to put the maximum at such a low figure as Rs 8. Then, they do not show discrimination only as regards the maximum but they show discrimination as regards the number of years of qualifying service. In subordinate branches and I think in the higher services also 30 years' service is enough to enable an employee to earn full pension. But in the case of the inferior servants they were expected up to two years ago to put in 40 years' service in order to earn full pension. Then the Honourable the Finance Member on my appeal two years ago in this House, made with the support of the legislature, brought down the number of years from 40 to 35. He could not do full justice because a few lakhs might be necessary. I would, on this occasion, appeal to the Finance Member to continue his progress towards justice and take some step this year. It is true that two years ago he reduced the qualifying service from 40 to 35, I would suggest to him now to take a step which is only a natural continuation of the progress which he made then and reduce the number of years from 35 to 30. If you consider the question of cost, I think the cost will not be much. Moreover, I would place before the Finance Member one

more consideration which is that the largest number of the inferior employees of the Government of India belong to the Postal Department, and at present the Postal Department is one of the most prosperous Departments of the Government of India. I think the Government of India are making a profit of three crores of rupees this year. I hope I am right.

**The Honourable Sir Jeremy Raisman:** Yes, I think that is right.

**Mr. N. M. Joshi:** If the Government of India are making a profit of three crores in the Postal Department is it not just that the inferior employees of that Department should be given the benefit of a few lakhs of rupees in these prosperous days? And if there is money for the postal employees in order to extend this concession of pension then the number of employees of the Government of India in the other Departments is comparatively small. The cost which Government may have to incur will be very small. I would, therefore, suggest to the Finance Member to take this step without making much of the cost which they will have to incur.

Then, Sir, there is another consideration. If the Finance Member reduces that limit from 35 to 30 the amount of extra expenditure, as I have said, will be small and it will not have to be borne all at once. Only a few people will retire this year or the next year, and the additional cost on account of the change of this rule will not be very much. I hope the Finance Member when he is taking three crores of rupees from the Postal Department will not hesitate to take this step, knowing that the largest number of employees of the Government of India belonging to the inferior ranks come from the Postal Department and the amount necessary for increasing this rate of pension as well as the number of years for the other employees will be very small.

**Mr. President (The Honourable Sir Abdur Rahim):** Cut motion moved.

"That the demand under the head 'Executive Council' be reduced by Rs. 101."

**Mr. Jamnadas M. Mehta:** Sir, I want a reply from the Finance Member and, therefore, I shall be very brief. I happen to be the President of these Telegraph Peons' Unions and other unfortunate people. But I beg of the Finance Member to forget any dialectics between us and to remember their bad luck. They are really very unhappy, 35 years of service in this country will carry a man to a very old age. I have seen with my own eyes the miseries of many of these people who never survive to earn a pension. Many of them die much too early to earn a pension. Therefore, the period should be brought down from 35 to 30 and the pension might be raised at least to Rs. 15 or half of the pay whichever is higher. I have seen a similar position also with regard to the Accountant-General's office. There also the position requires to be reviewed. As regards the prosperity of the Postal Department I agree with Mr. Joshi and I know that it is largely due to Sir Gurnath Bewoor's activities, but I can assure him that the workers do not remember him with any particular feelings of gratitude. I know how bitterly they feel the position by which he earned a great reputation of having made the Postal Department such a paying concern. I will, therefore, at least request him now to exert some influence towards increasing the pensions and the period after which they earn their pension.

**The Honourable Sir Jeremy Raisman.** Sir, my Honourable friends, Mr Joshi and Mr Mehta, have talked of the prosperity of the Postal Department. I must point out that that prosperity is largely due to the additional burdens which we have had to lay on the general user of postal and other services, and that it may well be that when the time comes for any additional charges on the revenue which might be the result of some change in the pensionary rules, the prosperity of the Postal Department will have gone and that the department will find itself saddled in difficult days with a permanent burden. Now, Sir, I welcome the note of—shall I say—appeasement from my Honourable friend, Mr Mehta. I am only too glad to take cognisance of the olive branch which he has held out to me. I can assure Mr Mehta that although he attacked me as one who is unsympathetic to the poor and the lower middle classes, he was entirely mistaken and that throughout my life I belong to those who are in favour of increasing and improving the conditions of the poorer classes. Nevertheless, Sir, I have to have regard for the position of the general taxpayer, specially at a time like this when whatever small surpluses may appear in this Department or in that Government as a whole are faced with a larger deficit than has occurred at any time in the history of India. We must not forget the background of these problems. All I can say, Sir, is this that I will have the question again examined sympathetically. I am particularly impressed with the argument regarding the length of service which is necessary to earn a pension at all, and if relief could be given in that direction without an excessive charge being thrown on the revenues, I should be very happy to do something. I find difficulty in giving any assurance however about the amount of these pensions. I have not before me figures which would indicate what a concession in that direction would cost, but I apprehend that it might involve very large sums indeed. I will however, have those figures calculated and I shall at any rate consider them. But I do not wish to hold out any excessive hopes to my Honourable friends.

Mr Joshi has been a doughty champion of these so-called inferior servants and he has step by step and bit by bit extracted from us concessions which, I have no doubt, are well justified. He clearly believes in the maxim that constant dripping wears away a stone. I hope that I am not stony-hearted as my own quotation would suggest. I am genuinely anxious to relieve these hardships, but I must remind the House that I have a great responsibility for the whole financial position and that these things spread out in ever widening circles and that after all the general body of tax-payers in India consists of possibly 99 per cent of individuals who are as poor as, if not poorer than, the so-called inferior servants for whom these reliefs are asked for. In addition, that 99 per cent of the general body of taxpayers is already groaning under the increased postal charges which have had to be levied. So, Sir, I can only undertake to examine these matters again, but with reference to that general background.

**Mr. N. M. Joshi.** Sir, in view of some sympathy shown by the Honourable the Finance Member, I would ask for leave of the House to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 7th March 1942.

## LEGISLATIVE ASSEMBLY

Saturday, 7th March, 1942

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

### STARRED QUESTIONS AND ANSWERS

#### (a) ORAL ANSWERS

#### SCHHEME OF ORGANISATION OF THE INDIAN TEA MARKET EXPANSION BOARD

154 \*Mr Amarendra Nath Chattopadhyaya (a) Will the Honourable Member for Commerce please state the amount of the total collections of tea cess during the years 1939-40-41 and the disbursement thereof during those years?

(b) Is the Indian Tea Market Expansion Board fed by the collection of tea cess? If so, will the Honourable Member please state the exact amount paid to the Board, and the proportion of the cess which is allotted to it?

(c) Is the Honourable Member aware of the scheme of organisation of the Indian Tea Market Expansion Board? If so, will the Honourable Member please lay on the table a complete scheme maintained by the Board?

(d) Is it not a fact that there are European, Anglo-Indian and Indian staff working under the Board? If so, will the Honourable Member please lay on the table a list of officers with their designations, and salaries?

(e) Is it not a fact that racial preferences are accorded to the staff notwithstanding their inferior qualifications and capabilities? If not, will the Honourable Member please state the minimum qualification required for the posts of Supervisors, Superintendents and Inspectors?

The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar. (a) and (b) Sir, I have obtained a statement from the Indian Tea Market Expansion Board which I lay on the table

(c) The Indian Tea Market Expansion Board is constituted under section 4 of the Indian Tea Cess Act, 1903, as subsequently amended. The Board works through the Executive Committee which is also provided for under the Act and is subject to the control of the Board. The Executive Officer of the Board is the Tea Commissioner for India who works under the general supervision and control of the Chairman and the Executive Committee, subject to the general control of the Board. For detailed information in regard to the Board's activities I may invite the attention of the Honourable Member to the Board's annual reports copies of which are in the Library

(d) A list prepared by the Indian Tea Market Expansion Board is laid on the table

(e) I understand from the Indian Tea Market Expansion Board that no minimum qualification for the posts mentioned has been prescribed by

it for the appointments made by it I am informed that no racial preference is shown in the selection of candidates

<i>Statement</i>			
Parts (a) & (b)—			
Year	Gross collection of Tea Cess	Deductions made by Customs for refunds and short shipment and also on account of cost of collection	Net collection of tea cess made over to the Indian Tea Market Expansion Board
	Rs	Rs	Rs
1938-39 (April—March)	43,24,091	19,726	43,04,365
1939 (April—September)	19,48,240	9,227	19,39,013
1939-40 (October—September)	48,74,080	27,196	48,46,884
1940-41 (October—September)	49,01,356	18,832	48,82,524

The Indian Tea Market Expansion Board is financed solely by the collection of tea cess under section 3 of the Indian Tea Cess Act, 1903, the net amount of cess is payable to the Board

*List of Officers in the Indian Tea Market Expansion Board as at 18th February, 1942*

Name	Grade	Present Salary
		Rs
Mr W H Miles	Commissioner	3,000
„ B G McHatton	Inspecting Superintendent	1,250
„ W M Orton	„	1,200
Dr P Guha Bhakurta	Publicity Officer	1,150
Mr H N Bose	Superintendent	600
„ R Bentley	„	900
„ Sapuren Singh	„	600
„ C E Kearney	„	950
„ J S Solley	„	875
„ D Prasad	Acting Superintendent	500
„ N C Gupta	„	550
„ S C Hottinger	Assistant Superintendent	450
„ D McDermott	„	450
Miss M E Robinson	„	400
Mr K Venkatachary	„	375
„ J Hyland	„	400
„ B E Kelman	„	450
Dr B C Sen	„	425
Mr S B Sen	„ (Statistics)	350
„ D V Rose	Inspector	300
„ S K Bose	„	200
„ S C Chakravarty	„	200
„ C H La Vale	„	150
„ S N Banerjee	„	200
„ M R Nayar	„	280
Mrs V Owens	Inspectress	255
Mr Amir Bakhsh	Inspector	215
„ S M Ellis	„	300
„ S S Bhatia	„	235
„ M L Bhatia	„	275
„ V D Kapila	„	210
„ N G Barua	Acting Inspector	175
„ Suranjan Ghose	„	150
„ R P Twickley	„	150
„ K Krishnaswami	„	155
„ A V Nanjundiah	„	165
„ P V Raman	„	155
„ S P Sarathy	„	145
„ P C Rajpal	„	210
„ P C Jaitly	„	175
„ G C Murgar	„	175
„ J S Mathur	„	165
„ R N Mukherji	„	175



Name	Grade	Present Salary Rs
<i>Assistants on Military Service</i>		
Mr A H Chambers	Personal Assistant to Commissioner]	1,350
" G W Holland	Superintendent	950
" A E Hazell	"	600
" E C Oates	"	550
" R Macdonald	"	700
" W H Barrett	Assistant Superintendent	375
" M Subba Rao	Inspector	200
" Prakash Bhatia	"	200
" M G Mansfield	"	240

#### TRAINING CENTRES UNDER THE INDIAN TEA MARKET EXPANSION BOARD

155 \*Mr Amarendra Nath Chattopadhyaya. (a) Will the Honourable Member for Commerce please state the number of Training Centres under the Indian Tea Market Expansion Board all over India and the objects thereof?

(b) Is it not a fact that the new recruits are trained at the Centres and, after having successfully gone through the training, are given appointments?

(c) If the answer to part (b) be in the affirmative, will the Honourable Member please state if those trainees, after completing their course, are taken as qualified?

(d) If the answer to part (c) be in the negative, is it not a fact that new recruitments are often made, (while trained hands are still to be appointed) leaving aside the trained hands, who are not given appointment at all?

(e) If the answer to part (d) be in the negative, will the Honourable Member please lay on the table a detailed list of recruitments and appointments during the years 1939-40-41?

**The Honourable Diwan Bahadur Sir A Ramaswami Mudallar**

(a) I understand there are no Training Centres as such under the Indian Tea Market Expansion Board

(b) Arrangements for training are made at the Board's Divisional Headquarters and new recruits sometimes receive preliminary training and sometimes, not, in accordance with their qualifications. The training is imparted with the object of ascertaining whether or not the applicant is likely to become an efficient worker for the purpose of the Board and not with a view to qualifying him for an appointment

(c) The Board's view is that the fact of a man having undergone preliminary training does not imply that he is specially qualified for work under the Board

(d) It follows from my reply to part (b) that appointments are not necessarily made from among those who have undergone preliminary training

(e) A list prepared by the Indian Tea Market Expansion Board is laid on the table

#### *Appointments made in the Indian Tea Market Expansion Board during the years 1939, 1940 and 1941*

	1939	1940	1941
Superintendents		1	
Assistant Superintendents	1		
Inspectors	8	3	1
Sub-Inspectors	27	25	45
Extra Sub-Inspectors	4	7	18
Demonstrators	299	249	304

## DISSATISFACTION AGAINST THE MANAGER, CENTRAL PUBLICATION BRANCH

†156 \*Qazi Muhammad Ahmad Kazmi: (a) Is the Labour Secretary aware that there has been prevailing great dis-satisfaction amongst the members of the staff of the Government of India, Central Publication Branch on account of hard and ill treatment by the Manager?

(b) Is it a fact that on account of a report of the Cashier of the Publication Branch the Manager forced a temporary clerk attached to the Cash Section, to resign from the post on the threat that otherwise he would be dismissed?

(c) Is it a fact that the clerk being temporary resigned from the post?

(d) Is it a fact that since the present Manager has taken charge of the Government of India, Central Publication Branch, a number of members of the inferior staff (dafties and labourers, etc.), have been dismissed for minor faults?

(e) Is it also a fact that two permanent dafties attached with the Despatch Section have been charge-sheeted and they are under suspension?

(f) Does the Honourable Member propose to look into the matter?

Mr H C Prior (a) No

(b) No

(c) Yes

(d) No Only one has been dismissed but not for minor faults. An appeal lies to Controller of Printing if persons are not satisfied with the order.

(e) Two dafties attached to the Despatch Section were suspended on charges of insubordination, breach of discipline, etc. One of them has since been dismissed.

(f) Does not arise

## GOVERNMENT MONEY SPENT ON ESCORTING OF JEDDA PILGRIMS

†157 \*Mr Ananga Mohan Das Will the Honourable Member for Education, Health and Lands be pleased to state the amount spent by Government in escorting pilgrims to and back from Jedda?

The Honourable Mr M S Aney The question should have been addressed to the Defence Department

Maulvi Muhammad Abdul Ghani May I put this question on behalf of Sir Ziauddin Ahmad?

Mr President (The Honourable Sir Abdur Rahim) Has the Honourable Member been authorised?

Maulvi Muhammad Abdul Ghani Yes, Sir

## PRICE CONTROL OF COTTON PIECE-GOODS AND JUTE GOODS

158. \*Maulvi Muhammad Abdul Ghani (on behalf of Dr Sir Ziauddin Ahmad) (a) Will the Honourable Member for Commerce be pleased to mention the success achieved in the control of the prices of cotton piece goods?

† Answer to this question laid on the table, the questioner being absent

(b) Why did Government omit to control prices of jute manufactured goods?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** (a) It is not clear to what scheme the Honourable Member refers as the Government of India have not formally controlled the prices of cotton piecegoods. They are, however, carefully watching the course of prices of cotton piecegoods and have under active consideration the introduction of a scheme for the production and distribution of standard cloth at reasonably cheap prices. The essential features of the scheme have received the approval of a representative Panel of the Cotton Textile Industry.

(b) The price of Jute manufactures at present is not such as to necessitate the institution of price control.

**Mr H. A. Sathar H. Essak Sait:** With reference to part (a), we want to know the success that has been achieved.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** When there has been no price control so far there is no question of what success has been achieved.

#### UNSTARRED QUESTION AND ANSWER

##### AVENUE OF PROMOTION FOR ASSISTANT SURGEONS

**46. Maulana Zafar Ali Khan.** (a) Will the Honourable the Education Member be pleased to state whether there is any rule regarding the ordinary avenue of promotion to higher grade for Assistant Surgeons? If so, what?

(b) In case there is no Assistant Surgeon who fulfils the prescribed conditions for promotion to the rank of Civil Surgeon and if a vacancy in the Civil Surgeons grade occurs, what procedure is adopted in such cases?

(c) Are the posts of Assistant Surgeons and Civil Surgeons Gazetted?

(d) What is the total number of Assistant Surgeons and Civil Surgeons in each Province, separately, and how many of them are Muslims?

(e) How many Assistant Surgeons (now in service) have been promoted as Civil Surgeons and how many years of service had they put in before they were promoted?

(f) Were there any Assistant Surgeons senior to those persons who were promoted to the rank of Civil Surgeon? If so how many and why were they superseded?

(g) Were those senior Assistant Surgeons who have been superseded by their juniors given sufficient trial before such supersession was allowed? If not, why not?

(h) Is there any rule why an Assistant Surgeon after crossing the efficiency bar cannot be declared eligible for promotion to the rank of Civil Surgeon?

**The Honourable Mr N. R. Sarker:** The subject matter of the question is primarily the concern of Provincial Governments. As far as the centrally administered areas are concerned, I have called for the necessary information, which will be laid on the table of the House in due course.

## BILL PASSED BY THE COUNCIL OF STATE

**Secretary of the Assembly.** Sir, in accordance with the provisions of Rule 25 of the Indian Legislative Rules, I lay on the table a copy of the Bill further to amend the Indian Companies Act, 1913, which was passed by the Council of State on the 5th March, 1942

### THE GENERAL BUDGET—LIST OF DEMANDS—*contd*

#### SECOND STAGE.

DEMAND NO 10—INDIAN POSTS AND TELEGRAPHS DEPARTMENT (INCLUDING WORKING EXPENSES)

**Mr President** (The Honourable Sir Abdur Rahim) The House will now deal further with the Demands for Grants I think it is now the turn of the Independent Party

**Rao Sahib N Sivasaj** (Nominated Non Official) Demand No 10 has to be moved

**The Honourable Sir Jeremy Raisman** (Finance Member) Sir, I move

‘That a sum not exceeding Rs 11,72,94,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of ‘Indian Posts and Telegraphs Department (including Working Expenses)’ ”

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved

“That a sum not exceeding Rs 11,72,94,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of ‘Indian Posts and Telegraphs Department (including Working Expenses)’ ”

*Grievances of Postmen and other lower Staff in respect of Compensatory and House Rent Allowances*

**Rao Sahib N Sivasaj.** Sir, I beg to move

“That the demand under the head ‘Indian Posts and Telegraphs Department (including Working Expenses)’ be reduced by Rs 100 ”

And, with your permission, Sir, I shall also deal with certain difficulties in the way of promotion and recruitment

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member cannot be allowed to modify it in any way He must stick to the motion

**Rao Sahib N Sivasaj.** I thought it was a very small matter and that the Honourable Member was prepared to give me a reply However, it is my opinion and I am sure it is the opinion of many Honourable Members in this House that of all the Departments of the Government of India, the one Department which is most efficient with the least amount of annoyance to the public is the Postal Department It is because, in the first place, the Department does its day to day work and does not and cannot possibly accumulate arrears so far as the public is concerned In the second place, the postal servants do not feel that they are part of a government which is merely meant to exercise control and power over

the public, but on the other hand that they are there to render service to the public, and, I suppose, also the fact that opportunities do not come their way for taking what, as in many other Departments are called *manuls* and other perquisites. It is in these respects that I suggest that the Postal Department causes the least annoyance to the public. Its efficiency is in large measure due to that class of servants called the postmen and the lower grade staff in the Postal Department. It is with reference to these people that I have tabled this motion, with a view to persuade the Honourable Member for Communications, no doubt, with the assistance of the Honourable the Finance Member, to render such help as I ask of him today.

The first direction in which I seek the help of the Honourable the Communications Member, who is known to be a friend of most of the labouring classes in India, is in respect of what are known as the compensatory allowances. It is unfortunate that, while Government have recognised the need for granting these allowances in the case of the clerical staff, they have not seen their way yet to grant these allowances to the postmen in the very places in which the clerical staff is given these allowances, particularly, places like hill stations, island stations and unhealthy stations. For instance, in certain places in the Madras Presidency, the clerical staff are given a compensatory allowance of Rs. 10 a month, and the postmen are paid Rs. 3 a month. What I request of the Honourable the Communications Member is to extend this concession to other similar places where this allowance is not paid. In one of the hill stations in Madras we find that this compensatory allowance is given to the superior staff but it is withheld from the postmen and other lower grade staff. In the matter of house rent allowance, while no doubt the Government have sanctioned the grant of such an allowance in certain places—I am again referring to the Madras Presidency—like Madras, Madurai, Bangalore, Hyderabad, Dhanushkodi, Ootacamund, Coimbatore, Trichinopoly and other places, in the second class offices, and there are thirty-five of them in the Madras Presidency, they are not given this house rent allowance at all. I wish to appeal to the Government to see if they cannot, at this juncture at least, extend this concession to those other places.

It is somewhat difficult to assess the amount of allowance that is to be given to these people in conditions which are changing so fast as they are at the present moment, but there can be no denying the fact that the postmen and the lower grade staff particularly, at this moment, deserve the special consideration of the Government. In this connection, I wish to let the House know what I was informed by certain persons who came recently from Burma—that the postmen's service during the time of the raid of the city of Rangoon was indeed a magnificent one. Whereas on the first air raid every man was somewhat confused and did run away from his post, it was really remarkable of the Indian postmen who were employed there, that they came back to resume their duties next day and even afterwards they continued to serve in the Postal Department in spite of the continuing raids. And I expect the same of our postmen here. I need not tell the House how very important it is to see that on an occasion like raids and the resulting confusion, people who are rendering such service are given special treatment by the Government. Again, certain postmen find it difficult to get increases in their salary by way of being promoted.

**The Honourable Sir Andrew Clow** (Member for Railways and Communications) Sir, I thought that your ruling was that this could not come within the cut motion

**Mr President** (The Honourable Sir Abdur Rahim) What was the Honourable Member talking about now? I did not quite follow him

**The Honourable Mr. M S Aney** (Leader of the House) Touching the question of promotion

**Mr President** (The Honourable Sir Abdur Rahim) That does not come in The Honourable Member must confine himself to the specific points mentioned in the motion

**Rao Sahib N Sivaraj** I thought of increases in their pay and allowances by way of promotion

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member must confine himself to compensatory and house rent allowances

**Rao Sahib N Sivaraj** Very well, Sir With these few words I once more appeal to the Honourable the Communications Member to make up his mind to review his original decision and to grant these concessions to the lower grade staff of the Postal Department In fact, in fairness to the head of the Department, I must mention that, when I had a private interview with the Director General of Posts and Telegraphs, he was very kind and sympathetic and promised to go into the matter once again to see if he could not give some kind of relief to these poor people But my fear is that unless the Honourable the Finance Member is equally sympathetic to the case of the postmen, nothing can be done, and so I hope that he will also co-operate with the Honourable the Communications Member in this direction Sir, I move

**Mr President** (The Honourable Sir Abdur Rahim) Cut motion moved

"That the demand under the head Indian Posts and Telegraphs Department (including Working Expenses) be reduced by Rs 100"

**Mr. N M Joshi** (Nominated Non-official) I rise to support this motion These lower grade employees of the Postal Department deserve compensatory allowances of various kinds The first allowance to which my Honourable friend, Mr Sivaraj, made reference was the compensatory allowance for those employees of the Postal Department who are working on hill stations As regards this allowance the Department makes a discrimination between clerks and the lower grade staff In some places the allowance paid to the lower grade staff is very small The clerks are paid a hill allowance of Rs 10 while the postmen are paid a hill allowance of Rs 3 But there are other places where the clerks are paid a hill allowance of Rs 10 while the postmen and others are not paid any allowance at all I think the Government of India should rectify this injustice

Then there is another kind of compensatory allowance given to postal employees when they go to work in stations outside the places where they generally work The complaint about this allowance is that the allowance is very meagre When the packers working in the Railway Mail Service, whose headquarters are in Madras, go out of Madras, they get the travelling *bhatta* of two annas a day Although Madras is a

cheaper place, yet if you go to a coffee shop there you will have to spend two annas for a cup, and if you want a little rice, *kolambu* and *raam*, it will cost you at least four annas. So, in a day a man can easily spend 12 annas while the Government pay only two annas. Sometimes Government think that even these two annas is too large a sum. I am told that in the Trichinopoly Division the *bhatta* is one anna per day. So, if a postman goes to a coffee shop, he will have to ask for half a cup instead of a full cup of coffee.

Then, the village postmen also want some kind of compensatory allowance. These postmen have sometimes to remain out of their headquarters for two or three days. They have to go to villages within a circumference of about ten miles. They reach some village in the evening and then they have to stop there. Again, they start on their march the next morning and in this way they remain out of their headquarters sometimes for two days and sometimes for three days. During these days the postman has to maintain his family and establishment at his headquarters, and when he goes to a village he has to pay for his board and lodge. Therefore, the postmen rightly claim that they should get some kind of compensatory allowance when they have to go out of their headquarters for their work.

Then Sir there is the question of the house rent allowance. The allowance that is paid by the Postal Department is extremely small. I say again that in regard to house rent Madras is a cheaper place than Bombay. I admit that. But certainly Madras is not as cheap as the Government think it to be. In Madras the postmen are paid the house rent allowance at the rate of Rs. 3 per month in Madras, Rs. 2 per month in Bangalore and Re. 1 per month in Coimbatore. I do not know, Sir, whether you know much about the Madras Presidency. I am sure you know something about Madras proper. Coimbatore is a growing city and it is becoming dearer and dearer day by day, and the Government there pay the house rent allowance at the lowest rate, namely, Re. 1 per month. I am sure no postman can get a room in Coimbatore for that sum.

Then, there is another kind of compensatory allowance. When Postal Inspectors go out on their tour of inspection, they are given a conveyance allowance of Rs. 25 4 0 and a special pay of Rs. 30. So, they get Rs. 55 4 0 when they go out for their inspection. But there is another class of postal employees who do the inspection work. They are called the Overseer postmen. These Overseer postmen are recruited from the class of postmen. They do the inspection work. While those Inspectors who are recruited from the clerical grade are paid Rs. 55 4 0 in addition to their ordinary salary, these Overseer postmen are not given any kind of compensatory allowance. I would like the Government of India to consider this question of the various kinds of compensatory allowances which are paid to the postal employees and begin to give allowances where they are due if they are not given and increase the allowances where they are meagre. I hope the Honourable the Communications Member will give his sympathetic consideration to these questions.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non Official) Sir, I rise to support this motion. In order to be able to talk authoritatively on this subject on the floor of this House, one has to prove the position one holds in regard to the labour unions. It is, therefore, with some hesitation that I certify my position to talk on this motion by saying that I am the President of the Calcutta Postal Union in Bengal and Assam. I am also the

[Sir Henry Gidney]

President of the All-India Posts and Telegraphs Union Therefore, I feel that I can speak with a little authority on this subject

I think that the condition of the postmen as a whole can only be described in one word—lamentable They are the hardest worked people in Government service In the past the policy has been to reduce their number and to increase their beats and thus increase their labour One has only to go throughout the City of Calcutta or any other big city or town to find that the Post Office lamps are generally lit after most other offices are closed They are the postal offices The pay of these men I know has been increased for sometime, but their compensatory allowances have been more or less on the reduction scale The *summum bonum* of the various retrenchment exercised by the Department as on the recommendations of the various committees appointed has been to be able to effect a surplus budget at the end of the year, a surplus budget secured at the expense of thousands of humble and poor workers whose condition today, especially with the rising prices of living, is disproportionate and deplorable I think this state of affairs calls for the sympathetic consideration of Government and I have great pleasure in supporting this motion

**The Honourable Sir Andrew Olow** Sir, I am indebted to the Honourable the Mover of this motion for the tribute which he paid to the working of the Posts and Telegraphs Department I have also found, as a member of the public and not as a Member of Government, that this is a Department which renders efficient service to the public and gives it, I hope, as little annoyance as possible I would acknowledge, in joining in these sentiments, the extent to which that result is achieved by the courtesy and careful work of a large number of persons occupying comparatively humble positions But there is another factor which also, I think, tends to increase the regard which the post offices hold in the eyes of the public and that is the fact that they render their services at a comparatively cheap rate And if I were to listen to all the appeals made to me for an increase in allowances and an increase in pay, that advantage at least will very rapidly disappear

**Rao Sahib N. Sivaraj** We do not mind that

**The Honourable Sir Andrew Olow** I know the postmen do not mind that, nor does the Honourable Member who has spoken on their behalf but the public will mind it I remember the speeches which were delivered in this House when the price of postcards was increased I may also refer to the point that the Finance Member made last night that generally speaking, the persons who are being served by our postal servants are persons who are certainly not any better off In many cases they are poorer

Now, on this question of compensatory and house allowances, I am sure the Honourable the Mover is clear in his own mind as to the position, but some of the remarks he made might have unintentionally conveyed rather a misleading impression to the House It is not the case that these allowances are confined to the clerical classes In many places as I think he himself is well aware, indeed he himself mentioned once, they are given to both classes There are certainly some cases where the allowances are given to clerical employees and are not given to the postmen



and other employees for whom he was speaking. The Honourable Member instanced some place in the Madras Presidency. I think he probably had the Nilgiris and some other hill tracts specially in view. There are similar cases in other circles. Now, Sir, the main reason for that distinction is that the two classes of employees are not serving under the same conditions. The clerical employees do not, as a rule, belong to the neighbourhood within which they are serving. They have to be brought to serve in these hill tracts from other areas. They find, therefore, that their expenses of living are greater and that is particularly true where the area is regarded as an unhealthy one, and so allowances are sanctioned for them. But the postmen and other servants who are recruited locally clearly have not the same case for an allowance and that is why that distinction is drawn. But, as I said earlier it is not a distinction that is drawn everywhere. In other places the allowances are given to both. House rent allowances are much in the same position but I would emphasize that house rent allowances are not intended to ensure that the man could live free of rent. An Honourable Member, I think it was Mr. Joshi, suggested that the allowances given were not sufficient to secure a house. But the allowance normally is intended only to cover the extra cost of the particular locality in which it is given.

Now, all these allowances were subjected to a very thorough examination only about three years ago. They were reviewed all over India and I may say I personally examined a considerable number of cases. In one or two cases, I think I am right in saying where we came to the conclusion that the withdrawal of the allowance was not justified, I think it was in Bombay and Calcutta, the allowance was restored after review. It is extremely difficult to urge that there should be any general review of the allowances again after so short a time. The Honourable the Mover referred to the circumstances brought about by the war. He said that "particularly at this moment" the allowances should be revised upwards and he referred to the difficult situation which had confronted certain employees in Rangoon as a reason for showing generosity. But that surely is to confuse two entirely different things. The object of this compensatory and house rent allowance is not to provide compensation for temporary difficulties which may be forced by the war. It is an attempt to equalise permanent differences between one situation and another. The grant of allowances for war stands in an entirely different category. These difficulties are met by applying everywhere, I think, the rules which the Provincial Governments have framed for the grant of war allowances.

I may say that the Director General is always open to review a particular case if it should arise owing to some change in the circumstances that the allowance is no longer adequate. One Honourable Member, I think Mr. Joshi, said that the conditions had changed in Coimbatore and that it was now a very expensive place. I am not very clear myself as to whether there has been such a substantial change within the last three years as to justify another revision of the allowances. Where it could be shown that within the last three years, there has been a substantial change in condition, apart, of course, from the change which the war has brought about everywhere, I mean a substantial permanent change, then the Director General would, I know, be prepared to review the case. But, I must at the risk of being stigmatised as unsympathetic suggest to the House that there is no case for a general review of these allowances. Sir, I oppose the motion.

**Mr President** (The Honourable Sh Abdur Rahim) The question is

'That the demand under the head Indian Posts and Telegraphs Department (including Working Expenses)' be reduced by Rs 100'

The motion was negatived

DEMAND NO 12—EXECUTIVE COUNCIL—*contd*

*Revision of the Government Orders regarding Communal Representation so as to secure definite Representation of the Depressed Classes in the Government of India Services*

**Rao Sahib N Sivraj** Sir, I move

'That the demand under the head 'Executive Council' be reduced by Rs 100''

Sir, my object in moving this motion is to see that the Government take up the question of the revision of the Government orders regarding communal representation so as to secure definite representation of the depressed classes in the Government of India services. At a time when the Government of India are really busy about very emergent matters, I would not have brought this motion but for the fact that I feel that if I had not done so I should be merely committing suicide in the matter of representation of my community in the services. That is the reason why I was so keen that I should bring this motion, even though I am afraid the House or even the Government is not so much interested in the question.

In my student days, I remember I was called upon very often by my class teachers to write an essay on the benefits of the British rule in India. It was indeed a common subject amongst most of the teachers in those days. No doubt other students, along with me, wrote the essay, each in his own way and perhaps in as good an English as he could then command, of all the benefits, such as the abolition of *suttee*, the introduction of the quarter anna postage, the introduction of railways and so on. If any student managed also to lug in the phrase 'the benign British Government', he certainly scored over others who did not say or who forgot to say that the British Government was benign. But I did not then know, nor did it strike me then but it is very evident to me now, that the Government of India can also be guilty of many a defect, if not actually a crime. One such crime is the failure of Government to stand by the depressed classes and do what was their obvious duty by them if at all they lay claim to being a civilised and efficient Government. I think all the troubles through which my community passes today depends to a large extent upon the attitude of the British Government ever since it happened to get control of India. If at the very outset they had adopted the principle which any Government worth the name ought to adopt in the matter of securing privileges to all its subjects alike, we should not be in this position today. If, for instance, it had not connived at the idea of maintaining a distinction between different classes of the population in India on the ground of religion and on the ground of caste, they should indeed have deserved our thanks and our gratitude today. But, as it is, I find that our troubles today have increased. While hitherto we were treated by the higher castes as something below the strata of mankind and we were also designated by various names, the last being "untouchables", the Government of India in their turn have added one other name, *mis*, unsuitables. Wherever a candidate from the scheduled class applies, does not matter with or without a Services Commission, the poor depressed class fellow

is at once noted down as an unsuitable man even though he has the minimum qualification required. I find that the Government of India are not capable of moving with the times. I do not suppose even now they are capable of understanding the great forces that are at work in changing the world altogether. It looks as if they are self-complacent and feel they can carry on in the old style. But I personally feel that it is high time that the Government of India changed both their mind and their methods. At any rate I feel that in the case of my community they ought to adopt immediate steps to see that they are not kept too long under a keen sense of disappointment, if not despair.

Sir, I was talking about the benefits of British rule. Indeed there have been many. And if it is a question of reducing the benefits in terms of communities, I find that the benefits that have accrued to the communities vary in inverse proportion to the strength of their population. And I think I am not far wrong when I say that the greatest benefits went to the smallest community, and the smallest community today is the European community in India. The next community is the Anglo Indian.

**The Honourable Mr M. S. Aney:** What about the Parsis?

**Rao Sahib N. Sivaram:** They are certainly greater in number than the Europeans—that is what I mean.

I said that the proportion of benefits that these various communities get varies in inverse proportion to the strength of their population. I find that the next community that gets the benefits, though correspondingly lesser than the Britisher, is the Anglo Indian community, and that is probably due to the fact that the British Government in India is still disposed to show a kind of paternal affection for that community. And the third community—I fear to refer to them as a community in these days,—is that of my friends the Muslims. I think on their latest showing they want to be treated as a nation, in which case I feel it is time they went out of the list of this communal G. O. In any case I do not refer to them because I feel that so far as they are concerned, even from the point of view of Government, they are treated on a separate basis. Here, Sir, I must mention one thing which strikes me as a peculiar feature of the Government of India. They stand like rocks before humble persons like me who can only plead and probably petition. But they crumble like dust before the onslaughts and fury of the Congress and the Muslim League.

I find, Sir, that this is the background in which I want to discuss the revision of what I call the communal G. O. I will draw your attention to the first paragraph of the communal G. O. passed on the 4th July, 1934.

"It has been represented that though this policy was adopted mainly with the object of securing increased representation of Muslims to the public services, it has failed to secure for them their due share of appointments,—"

I attach importance to the words "due share"—

"and it has been contended that this position cannot be remedied unless a fixed percentage of vacancies is reserved for Muslims. A review of the position has shown that these complaints are justified and the Government of India are satisfied by the inquiries they have made that the instructions regarding recruitment must be revised with a view to improving the position of Muslims in the services."

[Rao Sahib N Sivaraj]

Sir, I ask the Government of India and I appeal to the Honourable the Home Member to revise in the same manner this G O so as to secure for the scheduled classes a fixed percentage of vacancies which must be reserved for them. There can be no doubt, Sir, that there is an increasing demand everywhere for our representation in the services. This G O had no reference whatever to the availability or otherwise of the Muslim candidates when you fixed their percentage. My contention is that once you fix the percentage you are sure to get the number of men you want, but, unfortunately, so far as the reference to the scheduled classes' community goes, this G O has made three mistakes.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member has one minute more.

**Rao Sahib N Sivaraj** The first is that they have included us in the class of Hindus. Well, that does not work properly as is obvious from the annual statements that are published relating to communal services and I had to look into about 69 statements relating to the year 1940 and was pained to see that in all these 69 lists only three or four statements contained any reference to the Scheduled Classes.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member's time is up.

**Rao Sahib N Sivaraj** I will just finish in half a minute, Sir.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member may complete his sentence.

**Rao Sahib N Sivaraj** Thank you, Sir. I was saying that only four statements contained any reference to the Scheduled Classes at all. Other statements were blank in so far as they are concerned. I suggest, Sir, that the Depressed Classes should be taken out from the category of Hindus and put as a separate class, and, secondly, they should be allotted a fixed percentage—at least as much as the Muslims have got, because our population is more or less the same. These are the two things that I would now request the Government to concede.

**Mr President** (The Honourable Sir Abdur Rahim) Cut motion moved.

"That the demand under the head 'Executive Council' be reduced by Rs 100."

**Maulana Zafar Ali Khan** (East Central Punjab, Muhammadan) Sir, I have every sympathy with my friend, Rao Sahib Sivaraj. They say that there is only one nation in India. This has been constantly dinned into our ears. If there is one nation in India, it means that the Mussalmans are part and parcel of that great majority which calls itself Hindus. But it is not a fact. The Mussalmans are a separate nation of ten crores and must be respected and treated as such. Then there remains the other great community of India—the Hindus. They are thirty crores of them; is a dark blot on the fair name of Hindunism. These seven crores are called depressed classes, Harijans, Shudras,

**Rao Sahib N Sivaraj** You may give us any name you like

**Maulana Zafar Ali Khan** They are claimed as part and parcel of the great Hindu body. But they are being treated as helots. They ought to be looked upon as a nation, so that they may also raise their heads up as men. They have got as much right to command respect as the most blue-blooded Brahman. They are being treated as slaves and it is unfortunate that the Government of India should also treat them as depressed classes and should not have sympathy with their aspirations.

My Honourable friend is perfectly right when he says that his community—I should say his nation—should get definite representation in the services. When they have got brains, there is no reason why they should not be treated as men. So far as the Mussalmans are concerned, their share in the public services has not been in proportion to their number. The Government of India at least recognized it, but the lion's share has hitherto fallen to the majority community and if it has fallen to their share, there is no reason why a luscious bit of it should not go to my friend, Mr Sivaraj's people. I have every sympathy with him and I tell him that even if the Mussalmans have to lose to some extent, they are prepared to help him and his nation.

In conclusion, I would like to say that some changes are shortly to be announced with regard to the future of India, and they assure us that liberty is coming. I do not know whether it will be a mere eye-wash or something in the nature of a real transfer of power to us. But if power comes to us, then so far as the Mussalmans are concerned, we assure our friend that justice will be done to his people.

**Mr. N. M. Joshi** Sir, I rise to support the motion moved by my Honourable friend, Rao Sahib Sivaraj. Sir this problem of scheduled classes and their getting due share in the public services of the country is of great importance from the national point of view. I feel, Sir, that the Government of India have not done much in this respect. They have set apart certain percentages in the public services for some communities, but they have not as my Honourable friend, Mr Sivaraj, has stated, set apart any percentage for the scheduled classes. I think, Mr Sivaraj is right in saying that if the Government of India set apart a percentage which is their due it will have some effect—gradual effect it may be—on the general position of that community in the public services. But I would like the Government of India not to stop there. The Government of India at present are taking up a sort of neutral attitude. They maintain that they will give special consideration to the claims of the members of the scheduled classes if they are available, but the Government of India must take the initiative in this matter and take steps so that the members of the scheduled classes will be available for public service and one of the steps which they have to take is to give special attention to the education of the scheduled classes. We shall be told that education is a provincial subject.

Sir, the Government of India are giving special attention to special kinds of education and they should treat the education of the scheduled classes as a subject of national importance and a subject in which the Government of India should take some part. I know, Sir that on several occasions, Government of India have made large grants for subjects which are specially within the province of Provincial Governments. I know some years ago the Government of India made a grant of, I think, three

[Mr N M Joshi]

crores for rural development which certainly was not a subject of the Government of India, but when they felt that some money should be spent they did spend the money. Similarly, I would suggest to the Government of India to give special attention to the subject of education of the scheduled classes and make a special grant for that purpose. Education is a provincial subject generally, but the Government of India give attention to the education of certain classes. Similarly, they can take up this question, and as the Government of India are responsible for the question of services, they on that ground should also spend some money for the training of the scheduled classes, so that they may get sufficient numbers belonging to the scheduled classes in the services. The Government of India have spent and are spending money today for training certain classes of employees. They train men for railway services and several other services, why should they not spend also on training men from the scheduled classes? I would like the Government of India to make a report on the efforts which they make during the year to secure members of the scheduled classes for employment in the public services. I shall go further and say that the Government of India should have an officer with them, called the Protector of the interests of the scheduled classes. It should be the business of that officer to look to the interests of the scheduled classes in various ways and one of the ways will be to look to their interests in the matter of employment. I hope the Government of India will give up their present attitude of indifference and apathy in this matter and do something constructive in removing the complaint of the scheduled classes that they are not getting their due share in the public services of this country.

**Lieut.-Colonel Sir Henry Gidney** Sir, I rise to support this motion and

12 Noon I feel I must congratulate Mr Sivaram on the very temperate and able way in which he has discussed this matter. From the way he has expressed himself I feel I would call him a Member of the depressed classes rather than the Depressed Classes, for he has worthily fulfilled that position. My sympathies go out whole heartedly to the tragic position of the depressed classes in India. As one of the few Members in this House who attended all the three Round Table Conferences and the Joint Parliamentary Committee, I feel I am in a position to be able to state that the position of the depressed classes was very truly served and recognised by members of both Houses of Parliament, and their very able representative at these Conferences, Dr Ambedkar, fully explained their position. But I am tempted to add that the primary cause of their not getting due representation in the services was due to the absence of any effort at that time. I often pointed this out when we associated ourselves together in drawing up the minority pact. I felt that was an opportunity which the depressed classes had but which was not served and which would have secured for them a certain percentage. The result is, today they are certainly in many respects an extreme afterthought of selection when they come up for jobs, and this is more pronounced in the Madras Presidency where there still exists that high caste feeling among Brahmins and others who look down upon the depressed classes as things unworthy of notice. We, in India, often demand that our people be placed and accepted on an equality with every one else, but I think the besetting sin of these claimants is that whilst on the one hand they demand this equality of status, especially in Africa, on the other hand we do not practice it ourselves with those millions of

people who they elect to call 'depressed classes' When I heard my friend, of the Muslim Party, talking about the Muslim community as a nation—which he has every right to do—I do not see that the depressed classes full short of that numerical claim, for, although they have been variously estimated from 40 to 70 millions, I think they have a total of about 60 millions and, as such, they form a very important unit in the body politic, the body economic and body defence of India. That they have been ruthlessly refused adequate recognition is the most tragic and the blackest spot in the history of this country. How often one has heard it heralded from the housetops "we will do all we can for the depressed classes"! The walls of this House have reverberated with those messages of lip sympathy. How often have we not heard from the highest priests and the greatest princes of this country, "We must elevate the depressed classes"? Till that is done, our voice in this House will be a voice falling on deaf ears. India has yet to remember that its happiness, its development and its contentment depend on two main factors, the emancipation of its women-folk and giving equality to that class of people whom we call depressed classes, and till those two matters are fully realised and rectified I am afraid the hopes of anything being done for the depressed classes is very small. But any voice that I may add to the motion moved is given with the greatest sincerity and the greatest of respect and recognition of the need that has been so ably advocated by my friend. I "do not know" if I could in any practical way indicate how a percentage of employment in the services can be reserved for them, and I am not so mindful of what has been

**An Honourable Member:** Why not?

**Lieut.-Colonel Sir Henry Gidney:** I am going to develop that. I did not say "I cannot". I said "I do not know". I am mindful of the percentages that my brother Muslims have received. They deserve it from their population ratio and I deserve it from the past connections and services I have given.

**An Honourable Member:** Oh! Oh!

**Lieut.-Colonel Sir Henry Gidney:** You may say "Oh! Oh!" I say P P or Pip Pip. The point is not that. It is this. (Interruption) In interrupting me you seem to think that you are the only pebble on the beach or the only voice meriting attention in this House. You are not. But so far as percentages of employment are concerned, there are three main categories or communities concerned, Muslims, Anglo-Indians and Domiciled Europeans and the rest which refers to and goes to the Hindus. I do not know how my friend, Mr Sivaraj, was going to develop regarding the zero point—his time was up at that part of his speech—but it strikes me that the only solution at the present moment is this. Two communities have received their quotas and I submit a certain percentage should be reserved for the depressed classes out of the residue allotted to Hindus as a whole. How that will be worked out I will leave to Government. I feel that the Honourable Member in charge of the Department—the Home Member—and the whole of the Executive Council with its extension and expansion is in sympathy with this motion and its justification and I feel that I can safely leave it to them to evolve a scheme which will afford to this very needy and very useful class of Indian citizens a fair and square deal and percentage of employment in the various services and not relegate them to the after-thought and not-wanted of India.

**Sir F E James** (Madras European) Sir, I should like to express my personal sympathy with the views put forward by my friend, Mr Sivaraj, and to make it clear that I speak for myself on this occasion as I have not had an opportunity of discussing this matter with my colleagues in my Party. Coming from South India, one sees a great deal of the intolerance of sectarianism. I have had some experience of that in my own life. I come of a family which was persecuted not many generations ago. In fact, my own father recalls the days when he was a boy and when his family was not able to get meat in the village, because they did not belong to the established Church. The local butcher would not supply meat to any one who was not a member of the established Church. When that intolerance is allied to economic and social pressure of all kinds, it can be a very terrible thing. Of course, that was some time ago. My Honourable friend behind me suggests that the intolerance of sectarianism is a thing of the past. It is not so. I can speak certainly from personal experience so far as the employment of the scheduled classes is concerned. I have actually in my file today a letter written not many months ago from a semi-Government institution in south India declining to entertain a very good recommendation for a highly qualified member of the scheduled caste on the specific ground that it would be a source of irritation and embarrassment to the Hindus already in that service.

**An Honourable Member.** "Shame."

**Sir F E James** Those of us who come from the United Kingdom have a natural and instinctive distaste for communal considerations in the matter of appointments. I think, all things being equal, we should prefer to see all these appointments based solely upon merit. But there are circumstances in this country which must be considered. In Madras there is for the provincial services a communal G. O. in which the scheduled classes find a specific place as distinct from the Brahmin and the non-Brahmin Hindus. I believe that that has worked successfully, and it has worked with the good will of the caste Hindus in the Madras Presidency. In fact, the G. O. was largely the result of the work of a caste Hindu Minister some years ago who felt very strongly that if there were going to be communal proportions in the services, the scheduled castes should have their specific place. I believe this matter has been raised in this House before. The Resolution of the Home Department of the 4th July, 1934, says that in the present state of general education in these classes the Government of India consider no useful purpose will be served by reserving for them a definite percentage of vacancies out of the number available for Hindus as a whole. (Interruption) Never mind, that was the position at that time. But Government hoped to ensure that duly qualified candidates from the depressed classes are not deprived of fair opportunities of appointment merely because they cannot succeed in open competition. In the rules for services which are laid down, in paragraph 4 it is stated

"In order to secure fair representation for the depressed classes duly qualified members of those classes may be nominated to a public service even though recruitment to that service is being made by competition. The numbers of these classes, if appointed by nomination, will not count against the percentages reserved in accordance with the clause above."

That is, the first clause, dealing with percentages. I wonder whether the Honourable the Home Member could tell the House how many nominations of this kind have been made since this resolution was issued. I wonder also whether he would tell us what steps the Central Government



have taken since then to ensure that duly qualified candidates from these classes have not, in fact, been deprived of fair opportunities of appointment merely because they cannot succeed in open competition. One hopes that eventually all these things will disappear, but for the time being, there is no doubt that the members of these classes do suffer tremendous handicaps. They are climbing up the educational ladder very fast. They are conspicuous at the present moment for their loyalty to the cause of the Allies and for the splendid contribution which they are making in man power. I think that, quite apart from any other consideration—I am quite sure that Honourable Members or all Parties will agree with me here—quite apart from any other consideration, the consideration that I have just now mentioned would entitle them to the most favourable treatment which the Government can give them without injustice to other communities.

**Mr M. Ghiasuddin** (Punjab Landholders) I rise to lend my support to the motion moved by my Honourable friend, Mr Sivaram. We have to consider whether the so-called scheduled classes are within the Hindu fold, or are they something separate? An effective reply to the question whether they are part and parcel of the Hindus can be given from the composition of this House. The scheduled classes number almost as much as the Mussalmans, and yet we find that owing to separate representation there are about 30 Mussalman Members in this House, whereas only one scheduled class Member and that too a Nominated Member is among the benches of this House. If the Hindus wish to treat them fairly, why is it that more depressed class members have not been returned to this House? I think the treatment which these people are receiving at the hands of other Indians is a blot on the Indian civilisation. The very fact that for a good many years these people have been known as untouchables is a thing of which any patriotic Indian or any civilised man should be ashamed of. In my own province, a good many years ago the recruitment of scheduled classes was forbidden in the police force. That was done on the ground that other people refused to share their food and they did not like that the depressed classes should be on a term of equality with them, and there were difficulties for messing arrangements, etc. So, the Government very conveniently issued a circular to the effect that the recruitment of these people should be forbidden in the police force. We hear that English people love liberty, equality and that sort of thing. When they had the power they should have put down their feet and said, whether other people liked it or not, these people should be given their due rights, and they should be enlisted in the police force, and that people who did not like it, could keep out. Why should the right of a citizen be ignored and trampled down upon simply because the other man is unreasonable? Why should an innocent man suffer?

A lot of lip service is done in certain very high quarters about the uplift of Harijans. We hear Mahatma Gandhi and others saying that they are doing all in their power to do away with the untouchability and all that sort of thing, but in practical life very few results are shown of all that propaganda that is being carried on. We hear that such and such a temple has been thrown open to the Harijans. Well, Sir, if I were a Harijan, it would be a very poor consolation to me if I were allowed in a temple where my other brethren had been forbidden for such a long time. Surely, God is everywhere and it is not the will of God that any person because he happens to be born in a certain community should be forbidden to enter His house for worship. There is a story of a negro who

[Mr M Ghiasuddin]

lived in the Southern States of America. He wanted to enter a church but he was told that that church was reserved for the white people only. So, a Padre came and told him, "If you can't enter the church, I am sure God won't enter into this church. Either, God has created white men as well as black men, the so-called scheduled caste people and the caste people. In other ways also, the claims of these scheduled caste people have been very much ignored by the Government. The glaring example of this is the very recent expansion of the Executive Council. I am sorry to say that although good spirited public men of high repute are to be found among these classes, none was taken. And though this Government had been dinning into our ears the equality of mankind, they failed to appoint a suitable man from this class to the high post that so many Honourable Members occupy today. I do hope that this omission will be remedied very soon,—sooner than we expect. Sir, I support the motion."

**Maulvi Muhammad Abdul Ghani** (Tirhut Division, Muhammadan). Sir, every year a return is called for regarding the communal composition of services under the Home Department Resolution of 1934. The headings of that return show that there are four classes of people living in India,—the Europeans, the Hindus, the minority communities recognised for purposes of communal representation and the other communities. Under the heading of 'Hindus' they have a sub-head which is called the depressed classes. And there they are. It has been pointed out that the class named depressed classes suffer much in the representation of services. That is true but there is no remedy for it. The remedy lies in their own hands. So long as they go on to pass as Hindus, the educated and the wise classes amongst them will rob them of their share. They do get their share but it is taken away by the wisest of them. So, a suggestion has been made by my Honourable friend, Mr Joshi, that an officer should be appointed to look after the interests of the scheduled castes in matters of services. It is a good suggestion but unless they are treated as a distinct entity, there will be no remedy. That, too, is not enough because the Mussalmans are to some extent treated as a distinct entity and a Resolution has been accepted by the Government to that effect. The Resolution was adopted in 1934 to the effect that 25 per cent of seats in the services will be reserved for the Mussalmans. This Resolution did not favour the Mussalmans because when it was passed the population of Mussalmans was just 25 per cent of the population of the whole of India. So, that was no favour at all. But do you know what was the fate of that Resolution? That Resolution proved to be a dead letter. It has no effect and when my turn will come—and it will come soon,—I will be able to show very successfully that so far as some particular Department is concerned, it has had no effect at all. Its effect is rather in the reverse order. It is doing mischief. The very thing which has just been suggested by my Honourable friend, Mr Joshi, that an officer should be appointed to safeguard the interests of the scheduled castes was also demanded by some of our Muslim friends and it was resented. It was said that there was no necessity for such an appointment. However, good sense has now prevailed and my Honourable friend has now come forward with this suggestion which I welcome.

My Honourable friend, Sir Henry Gidney, just now said that due regard should be had of past associations. But how long these past associations

will go on? A person is appointed to the I C S. His sons and grandsons may say that their father had the associations of the I C S, and, therefore they have every right to be enlisted to the I C S. If that were the case, there will be no openings to other classes of people, howsoever educated they may be. In these days of the twentieth century such a plea should have no place. What is meant by past associations? A child when he is born does not belong to any particular service. He does not know how to read and write. When he is sent to a school, he learns something there. When he is sent to a workshop, he learns something there. What is the case at present? When the Government have come forward to train people, they are forthcoming. They decided to train 15,000 at first and now they have decided to train 48,000. People are coming in, in as large numbers as required and sometimes much more than is required. Then this question of past association does not hold good. In the name of such plausible pleas, it is not fair to rob others. That should be put an end to. I would point out to the Government that they also made some mistake. They have just now reserved 40 per cent of the seats in certain services to that class of people who come forward with the plea of past association. Why 40 per cent when they are not even 4 per cent?

So I have every sympathy with the motion just moved by my Honourable friend Rao Sahib Sivaraj. Whenever I study the figures, I find that his people who are sometimes termed as Harijans sometimes as depressed classes sometimes as scheduled classes, sometimes as untouchables, have no place at all. It is very painful indeed. I have, therefore, every sympathy with him that his community should have adequate share. But to urge on the floor of the House that due attention should be paid by people of his community towards education, I do not think, it sounds sense. There are ample number of scheduled class candidates forthcoming but the only question is want of a boss or a supporter and nothing else. I know the Muslims are strong enough, but their case also goes by default under many plausible pretexts and principles which I will expose later on. Sometimes, the age is increased. This suggestion increasing the age comes from the office. The age is increased not to 20 or 25 but to 40 and 45, as if there is some person in the office, as if although there is some-body who is qualified for the post before the age of 45, he should not apply. I have innumerable instances where notices issued by the Federal Public Services Commission and by the Provincial Public Services Commission put forth such kind of unreasonable restrictions. But they are helpless. The office prepares the terms of the advertisement and the people in the Public Services Commission take shelter under the office. They manipulate the notices in such a way that none else than certain persons find the job. The Federal Public Services Commission and the Provincial Public Services Commission are helpless. With these words I support the motion.

**Sardar Sant Singh** (West Punjab Sikh) Sir I rise to support this motion moved by my Honourable friend, Rao Sahib Sivaraj. Sir, the Circular of July, 1934, has now been in operation for the last eight years. It is true that this Circular was modified in view of the serious changes that must have taken place on account of the working of the Circular in various branches of the Central Government. My Honourable friend, Sir F. E. James, asked me about the Sikhs. I must say that the Sikhs are dissatisfied with the working of that Circular. My Honourable friend, Maulvi Muhammad Abdul Ghani, has just shown that the Muslims are dissatisfied with the working of that Circular. Is it not true then that a committee consisting of Muslims, the Sikhs, the Hindus, my Honourable

[Sardar Sant Singh]

friend, Sir Henry Gidney's community, the Anglo Indians, and including the Europeans should be appointed

**Rao Sahib N. Sivaraj** : What about my community?

**Sardar Sant Singh** : I beg your pardon, including my Honourable friend, Rao Sahib Sivaraj

**Rao Sahib N. Sivaraj** : When the time comes, my community is always forgotten

**Sardar Sant Singh** : A committee including Rao Sahib Sivaraj as well should be appointed to review the working of this Circular during the last eight years. The object of that committee should be to explore and arrive at an agreed formula between all the communities which should satisfy everybody. It is no good insisting upon a formula which has been in existence for the last eight years and which does not satisfy anybody. Certainly, it will be possible for such a committee to sit together and discover a formula which should be equitable and just to all communities. I do not think, Sir, that the Government will be a loser by appointing such a committee. Unfortunately, in this country, Honourable Members who sit on the Treasury Benches think that whatever they have done, that is the last word on the subject. They are not progressive, they do not move with the times. They do not make alteration when circumstances change. The result is that dissatisfaction spreads through all the ranks, and those, whom they try to satisfy by finding out a formula, fail to satisfy them. I think the Honourable the Home Member will reconsider the situation and appoint such a committee which should be helpful to all the communities and yet be helpful to the Government.

Sir I do not want to enter into any complaints or grievances, because it is futile to do so. The fact remains as my Honourable friend, Maulvi Muhammad Abdul Ghani, has stressed that the formula may be there as expressed in the Circular of 1934, but the working of the formula, and the manipulation of its working has created a good deal of heart burning in all the communities. Year in and year out, in the General Budget and, during the discussion on the Finance Bill, we find all communities complaining about the working of this Circular, recruitment to the services and promotion to higher ranks. In this connection, it may not be out of place to bring to the notice of the Honourable the Home Member and other Honourable Members of this House that the efficiency of their administration is suffering on account of the formula. Most of the officers are busy in intriguing at the time of selections and promotions as to how and what methods should be used to put in a man of their own community to the highest places. I know of many instances where a particular officer belonging to a particular community trying to push up a member of his own community at the time of selection and at the time of recruitment irrespective of the effect upon the efficiency of the administration. We are passing through very critical times when a great strain is being laid upon the administration, and, as time passes, we are afraid the strain will become greater and greater every day. This strain must be to some extent removed if the administration is to run smoothly during these hard times. I will, therefore, suggest that the Home Member should accept this suggestion and appoint a committee consisting of all the minorities together with the majorities to reach some agreed formula as

'to their share in the administration of the subjects under the Central Government Sir, I support the motion

**Bhai Parma Nand** (West Punjab Non-Muhammadan) Sir, I intervene in this debate for the simple reason that I do not agree with the views of the Honourable Members who have spoken so far. My idea is that this debate has taken an altogether wrong turn. With regard to the motion of Rao Sahib Sivaraj I have no quarrel at all. If the public service is to be considered as something to be divided among the people, different classes will put forward their claims and Rao Sahib Sivaraj also will have his claim which should be duly considered and his share should be given to him. But my idea of public service is that persons entering the service must take it as their duty to serve the people and the country, and if it is taken in that light it is immaterial whether a particular community gets any share or not. I think that public service is not a thing to be divided among the people and instead of public service being shared like property between one class and another the proper course is that the best and most efficient men should be chosen to serve the country. Let us take the example of the United States of America where there are people of different nationalities. Even now you find there Frenchmen, Germans, Italians, Irish, etc. I have lived there for some years and I never heard that these people are quarrelling about the so called loaves and fishes which are at the disposal of the Government.

**An Honourable Member** What about the negroes?

**Bhai Parma Nand** Their case is different.

**Several Honourable Members** Why is it different?

**Bhai Parma Nand** I will deal with that later on, if time permits.

If we think that we have to make a nation for the service of the people and the country, different sections of the people have no right to put forward their claims separately, and it cannot be one country or one nation if 15 or 20 sections that are there claim a separate share in the public services, which must be taken to mean quite different from the so-called loaves and fishes.

Then, Sir, we come to social disabilities. My Honourable friend Mr. Ghiasuddin, spoke about the disabilities of the depressed classes. I admit there are social disabilities but they have been there for thousands of years and people so far never heard of them or cared about them. They have been putting up with them so long but now on account of modern education and spread of new ideas we are awakening to a sense of these disabilities. Even the leaders of the depressed classes never made any complaint about them. I can however say about the Punjab that the caste Hindus there have been the first in India to take up this reform movement and they have done their best to improve the condition of the depressed classes. Marriages have taken place among the high-caste people and the depressed classes. There have been common dinners. Both classes have worked together and have built temples for them. Even the Punjab Government, at the time of framing the new constitution, expressed their opinion that there were no disabilities for the depressed classes, and they recommended that there should be no separate communal privileges given to the depressed classes in the Punjab. Thousands of them in the towns and villages have been given the full status in society, they

[Bhai Parma Nand ]

have been allowed to take water from the wells and springs. I think social disabilities have nothing to do with the constitutional questions we are discussing in this Assembly. Years before, all over India there was despotic rule in this country and in those days no one ever thought of the public services or claiming any share in them. The question of these social disabilities was in the forefront and reformers in Bengal, Maharashtra and even in the Punjab were trying to remove these social disabilities and raise their status. In the Punjab the Sikhs did it, Guru Govind Singh himself took the *Chamars* who are considered the lowest class, into his own service, made them his disciples and gave them practically full privileges. My point is that this is purely a matter of social reform just as the question of widows. Even now we find one crore of widows in Hindu society who are left uncared for. It is a concern of that community itself, and its leaders are trying to do what they can for the relief of these widows and even to introduce the custom of re-marriage. Similarly I say that in the Punjab we started the movement for the total abolition of the caste system, with the distinct idea to raise the depressed classes and create a sense of equality among the different sections of the community.

Sir, when we talk of the old customs that have been in existence for thousands of years, we cannot blame any body for it. We are now of determined mind that the Hindus are one nation. On the other hand if we thought that Hindus and these depressed classes are entirely separate communities then of course Scheduled Classes have a perfect right to claim their share according to the population. But those who take the depressed classes as a part and parcel of the Hindus and have been considering them as Hindus all these centuries, cannot understand the grievance that the depressed classes have not been recognised as a separate class. Sir, I have got a feeling of affection and regard for the depressed classes and I would represent their case just as much as my friend, Mr Sivarij, has done. No doubt their number in services has been very small. That is the old constitution. According to the new Communal Award they have got

**Mr M Ghasuddin** They do want the protection of the Communal Award.

**Bhai Parma Nand** You confuse social disabilities with political disabilities. Political disabilities are there. You consider that depressed classes are something quite distinct from the Hindus but if all the representatives of the Hindus in the Assembly take them as their brethren and try to do whatever they can for them, then I think there is no need of raising this question that they should be given separate representation at all. But, Sir, as it is, everybody is trying to create a division. Even the Jats amongst the Hindus are trying to create a Jat community. Even non-Brahmins in Maharashtra are trying to create a separate community. If in this way we go on dividing the country into separate communities then, of course, there will be no end to it and no hope of developing any national feeling in this country and of uniting them all as one nation. We shall have to give up the thought of dividing these loaves and fishes for ever. Therefore, I say that we have our own views according to the ideals that we have before us and we have a right to bring them into action.

Sir, I will take one minute on the question of Negroes in the United States. The Negro question is not .

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member need not solve the Negro question for the United States

The Honourable Member had better confine himself to the motion before the House. He has only two minutes more.

**Bhai Parma Nand** Sir, I wanted only to show that this subject had taken a completely wrong turn, but I am not anxious to take up the time of the House any more.

**Syed Ghulam Bhik Nairang** (East Punjab Muhammadan) Sir, but for the very curious turn given to the debate by the last speaker, my Honourable friend, Bhai Parma Nand, I had no intention to intervene in this debate. The motion before the House moved by my Honourable friend, Mr Sivraj, is a very simple one and if properly construed there can be no reasonable objection to the House and the Government agreeing to the motion as moved by Mr Sivraj. He, if I understood him aright, wants a certain proportion in the services to be fixed for his community and the reason for that desire on his part appears to be that in the actual working of the Resolution of 1934 on the subject of Communal representation in the services his community does not appear to have been fairly treated so far.

There can be two ways of looking at the orders passed by Government in 1934. Firstly, that those orders were unjustified, were not wanted at all and have in actual practice done harm and should be altogether cancelled. The other way is that the Resolution passed by the Government on that subject was justified and laid down principles which if properly worked would lead to satisfaction all round and fair treatment of all communities concerned. There is possibly a third way also, namely, that although the Resolution when passed was good enough for the circumstances then existing, certain circumstances have since come about which necessitate a revision of that circular.

As has been already pointed out, Sir, especially by my Honourable friend, Sir Fredrick James, there are distinct paragraphs in the Resolution of 1934 which when properly considered and construed have, if at all, only this defect that the share of the depressed classes or scheduled classes, whatever you may call them is included in the share of the Hindus, and it may have been—probably in fact it was—that in the actual working of the Resolution whenever the claims of Hindu candidates and Depressed Class candidates came into clash, the claims of the latter were not recognized, and they suffered in consequence. Now, it has been said, Sir, by speakers of my Party who preceded me that as far as the recognition of a fair share of the depressed classes out of the share awarded to the Hindus is concerned, nobody can have any reasonable objection and we have no objection at all. But Bhai Parma Nand appears to be living in Utopia when he says that the matter is being treated as if appointments to the public service were so much property which certain classes were entitled to share in certain proportions, that from his point of view public service is a sacred duty to be performed by those who happen to be appointed to it and there is no question of dividing that duty like property. Well, Sir, I would have no objection to such a proposition if I could be satisfied that we are living under ideal moral and spiritual conditions and that we, all of us,

[Syed Ghulam Bhik Nairang]

are so many angles with no prejudices, no personal interests, no inclination towards favouritism or nepotism or anything which could be objected to as improper, we are inclined to deal fairly with everyone, and therefore if I happen to be holding a certain position, I am as good as anybody else. Why should anybody object to it? If, on the other hand, my neighbour holds that position he is quite as good for it as I. Why should I object? That would be a veritable Utopia which, fortunately or unfortunately, has no existence anywhere. The fact is—and that fact cannot be denied—that this land of ours, India, is inhabited by not one people but so many peoples, and those peoples differ from each other not only racially but from the point of view of religion, social structure, customs, manners, culture and everything that makes two men agree or disagree. These different peoples all differ from each other.

There is another circumstance that owing to the position of the majority community or nation or people in the public services, the great insuperable difficulty has arisen that that community is interested in maintaining the *status quo*—they say *factum valet*—I happen to be in charge of this office, therefore I shall admit only those whom I like, and of course my likes and dislikes are determined by my own religious views, my own social customs, my way of life, my culture, and I will not admit the others. This has been going on ever since the public services were organised in this country and this sort of sentiment and the treatment to which this sort of sentiment leads has been growing worse day by day, so much so that when things became quite intolerable, naturally there was a hue and cry from all quarters, quarters interested or rather quarters which suffered, and Government had to pass a Resolution in 1934 and it was perfectly justified. My friend, Sardar Sant Singh, has proposed that there ought to be a committee consisting of Muslims, Sikhs and others and that committee should sit and solemnly revise the Resolution of 1934 and suggest alterations and work out a formula as he says—these are days of formulae—which would be agreeable to all parties concerned, and let that formula replace the Resolution of 1934. I say this is another way of hoping against hope. No such committee as is suggested by Sardar Sant Singh can usefully be constituted with any hope of any acceptable formula being evolved by such a committee. On the other hand, the suggestion of my Honourable friend Mr. Joshi, is a very practicable suggestion. There may very well be a special officer appointed to examine from time to time and to keep an eye on the working of the Resolution of 1934. You will very shortly in connection with another motion hear the complaints of the Muslim community as far as the actual working of that Resolution is concerned, and other communities may very well have complaints as to its actual working. If an officer of the kind suggested by Mr. Joshi is appointed and it is made his business to keep a vigilant eye on the working of this Resolution, I think not only the complaints of the community whose rights are advocated by Rao Sahib Sivaraj but the complaints of all communities will gradually disappear and every one will come into his own.

**Sardar Sant Singh.** Who will that officer be? What community?

**Syed Ghulam Bhik Nairang.** A Government officer,—not Sardar Sant Singh.



**Bardar Sant Singh.** Which community? Mushm?

**Syed Ghulam Bhik Nairang:** You have not heard Mr Joshi

**Bardar Sant Singh:** That is the trouble

**Syed Ghulam Bhik Nairang:** He will not be Sardar Sant Singh

**Bardar Sant Singh.** He will not be Syed Ghulam Bhik Nairang either

**Syed Ghulam Bhik Nairang:** With these words Sir, I support the motion of Rao Sahib Sivaiaj

**The Honourable Sir Reginald Maxwell** (Home Member) Sir, I have considerable sympathy with much that has been said in the course of this debate but I must point out that the motion itself was not ostensibly intended to raise the general question of the status of the depressed classes or what should be done to elevate it. The motion is concerned with the practical question of the recruitment to government service. In so far as other matters have been discussed such as Mr Joshi's suggestion that steps should be taken to make more members of the depressed classes available for public service, they are long distance solutions of the problem and have no immediate bearing on what should be done now. In fact if such steps can be taken effectively and more members of the depressed classes attain the necessary qualifications for government service it will be unnecessary to reserve for them a special place in recruitment, and, therefore, in advocating that course Mr Joshi is really speaking against the Resolution and not for it. After all Government did not create the depressed classes, nor could they abolish them by rule, and when Maulana Zafar Ali Khan says that it is unfortunate that the Government of India should treat them as depressed classes that is the very thing which the Mover of the motion wishes us to do. We are quite ready to say we will not recognise the existence of the depressed classes we will allow them to take their chances along with the other communities then that is precisely the opposite of the object of the Mover of this Resolution and, therefore, the question resolves itself into the practical question as I said of recruitment, and not one simply of finding employment for the depressed classes on the ground of their general deserts. When it comes to a question of recruitment, government have to look to the proper maintenance of their own services, and throughout the Resolution of July 1934, it will be seen that Government have never abandoned the principle that any one, whether he comes into public service in a reserved portion or not, even one must have a certain minimum standard of qualification. The 25 per cent of vacancies reserved for Muslims and the 8-1/3 for other minority communities are in that Resolution expressly subject to the condition that in all cases the minimum standard of qualification will be imposed, and the reservations are subject to this condition. That was the reason for the view taken in that portion of the Resolution which was quite rightly quoted by Sir Frederick James for Government saying that they considered that no useful purpose would be served by reserving for the depressed classes a definite percentage of vacancies in the present state of their general education. The Honourable the Mover has said that once you fix a percentage you are sure to get the men you want. I wish it was as easy to get them as that.

**Rao Sahib N. Sivaraj** How do the Government of Madras get the men they want every time?

**The Honourable Sir Reginald Maxwell** There may be men in Madras, I do not know. I say the mere fact that you reserve a certain percentage does not create qualified members of the depressed classes. For instance, last year we reserved in the I C S examination one place specially to be filled by a member of the depressed classes, but we were unable to get one with the requisite qualifications. This year we are doing the same thing.

**Rao Sahib N. Sivaraj** May I correct the Honourable Member on that point?

**The Honourable Sir Reginald Maxwell** I have had a letter from the Honourable Member on that subject.

(Rao Sahib N. Sivaraj again rose in his place.)

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member is not giving way.

**Rao Sahib N. Sivaraj** It is a question of controverting facts.

**Mr President** (The Honourable Sir Abdur Rahim) No. The Honourable Member should not interrupt.

**The Honourable Sir Reginald Maxwell** This year, as I say, we are reserving another vacancy in the same way and the same thing is being done in the examination for Indian Audit and Account Service and other allied services, Customs Service and so forth. There again one of the unreserved vacancies to be filled by examination is to be reserved for a member of the depressed classes. Again, I may point out that Rao Bahadur M. C. Rajah has been appointed as a member of the Civil Interview Board for the selection of candidates for commissioned ranks of the defence forces.

**Rao Sahib N. Sivaraj** But that does not come under services.

**The Honourable Sir Reginald Maxwell:** That does not look as if we are not trying to make the best possible provision for getting these persons considered on their qualifications. My Honourable friend, Sir Frederick James, asked how many nominations have actually been made under the terms of 1934 Resolution since it was passed. I have not in the very short notice available for the preparation of material for a cut motion, been able to obtain the figures. All these figures are extremely difficult to extract, but actually statements showing the progress of recruitment of the various minorities are placed at intervals in the Library of the House and any one can find them there, though I regret to say that they are not very up to date. That is, the compilation of these statements takes so long that they are generally a year or two behind time, but still those statements, in so far as they have been compiled, do show that there has been a certain amount of progress in the recruitment of the depressed classes. I admit that up to 1939 there was a tendency on the part of recruiting Departments to overlook the special provision made in the 1934 Resolution, that is to say, in order to secure fair representation for the depressed classes duly qualified members of these classes may be nominated to a public service even though recruitment to that service is being made by competition. That provision

was not, I think, being properly observed, but in 1939, as a result of the annual Resolution on this subject or a cut motion,—I do not remember which,—the Government of India did issue a circular to all Departments saying that they were much concerned at the almost total lack of progress in the recruitment of members of the depressed classes as revealed by the information available, and they considered that special steps were required to increase the rate of recruitment.

In my own Department, so far as the ministerial staff is concerned, the practice is to offer a few vacancies not reserved for any minority communities, to candidates from the depressed classes who have attained a qualifying standard in the competitive examination in order to secure their representation in those services. We have recommended other Departments to do the same thing. Also it has been suggested that in the notices relating to recruitment a note should be inserted to the effect that candidates from the depressed classes who attain a qualifying standard may be shown some preference at the discretion of the department concerned. That is actually a quotation from our instructions. Moreover, the Federal Public Service Commission have made provision for space in the application forms where any member of the depressed classes can give particulars about himself in order that Departments may be able to pick out the depressed class candidates. As I say, these things cannot be achieved entirely by rule. If it could be done by rule, we would ensure by rule that a sufficient supply of depressed classes candidates was available, but the first and foremost thing is to secure the recruitment of the public service up to a certain standard of efficiency and we cannot altogether neglect that, although we can do our best to see that depressed classes have a fair chance.

Since the motion definitely recommends a modification of this rule, I am unable to accept it on behalf of the Government, but I can undertake to consider further the question whether it is possible to go any further with the consideration of the principle of the motion, namely whether there should be any kind of separate reservation or not. I cannot accept that proposition on the face of it. It is far too big a question. I hope that the Honourable Member will be able to withdraw his motion on that assurance.

**Rao Sahib N. Sivaraj:** On the statement made by the Honourable the Home Member that he will further consider the principle underlying my motion, I beg leave of the House to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Chairman (Syed Ghulam Bhik Nairang) in the Chair.

**DEMAND NO. 10—INDIAN POSTS AND TELEGRAPHS DEPARTMENT (INCLUDING WORKING EXPENSES)—contd**

*Examinations for Inspectors of Post Offices and Present Day condition of Posts and Telegraphs Department*

**Lieut.-Colonel Sir Henry Gidney:** Sir, I move

"That the demand under the head 'Indian Posts and Telegraphs Department (including Working Expenses)' be reduced by Rs. 350."

[Lieut Col Sir Henry Gidney.]

Sir, before dealing with the more general aspect of the Posts and Telegraphs Department, I feel I must refer to the particular question I have mentioned in my cut motion. The Posts and Telegraphs Department framed certain rules for the regulation of examinations held for the purpose of recruitment to the grade of Inspectors of Post Offices. These rules provide that an examination will be held every year by each Circle, among members of the staff of a certain age. The rule also prescribes the minimum marks which candidates should secure before being considered to have qualified for selection. And it is also provided that from among the candidates who have so qualified, the head of the Circle will select those who stand highest in order of merit up to the number of candidates required during that year and "reject the rest". I would particularly emphasise the provision—"reject the rest". Now, in the Madras Circle, in the year 1939, an examination was held and 13 men were selected in accordance with the rules which I have just now quoted and the remainder of the candidates were rejected. Next year, this Circle did not hold any examination, but it appears there was need for men to fill existing vacancies, and the P. M. G. took the unusual course of appointing 10 more men from among the "rejected" candidates of the 1939 examination list. I desire to stress the word "rejected". I brought this matter to the notice of the Department and was told by the Department that this was an "emergency measure". Sir, I ask, what is the purpose of framing rules and, mind you, which have not since been cancelled or modified, if they are to be disregarded within two years of their promulgation. These rules were framed and issued in 1938, only one examination has apparently been held after the rules were framed and, yet, those rules were disregarded in connection with that very first examination. I would point out that there is no provision at all in those rules for such a procedure. The rules require (1) the holding of examinations every year, (2) selection in order of merit of the number required for that year from qualified candidates and (3) the rejection of the rest of the qualified and unqualified candidates. While I admit that war conditions do constitute an emergency, it cannot be said that in the years 1939, 1940 and 1941 no suitable candidates were available for another examination. So, wherein comes the emergency measure? There is no provision for the resuscitation of the rejected list of candidates to suit even an emergency. The staff rightly contest that this selection of rejected candidates, after the P. M. G.'s failure to hold an examination in the next year, is *ultra vires* of the rules framed by the Government themselves and governing the matter.

I am quite prepared to agree that a mistake having been made in not having held an examination and as the emergency needed men, some men will have to be appointed. But without holding another examination and to now suggest that the appointment of such men should be a permanent measure and that they should be exempted from appearing and qualifying at the examination, I submit is totally wrong and unfair, not only to the others, who qualified with them at the 1939 examination and who were rejected along with them, but to the younger members of the staff who have thus been denied 10 vacancies in the higher grade by a stroke of the pen. There is, again, no guarantee that no other P. M. G. will not repeat this procedure to the detriment of the staff. Sir, in the interest of the staff I feel I must ask that these men be treated as temporary and be required to appear at the next examination and stand an equal chance.

with the other members of the staff. This is the only fair thing to do. Fairplay and justice demand that the rules must be observed strictly or else scrap your rules and establish the personal or the P. M. G.'s rules.

Now, Sir, having finished with that matter, I next desire to refer to the present position of the Telegraph Department. Rightly or wrongly, to my mind, the present position regarding the Telegraph Department is most unsatisfactory. I was about to say 'deplorable'. From the beginning of the present war there was the report that sufficient volunteers from the Department were not available for war service, as compared with the 1914-18 war. This I ascribe to the absence in the past of fore-thought on the part of the Department and the wholesale reduction of the signalling establishment. For 8 or 9 years there has been no recruitment at all to one signalling establishment, while there was heavy retrenchment of personnel. The Government aimed at commercialising the service, but apparently at the expense of efficiency by indulging in ruthless economy and reduction in staff, the main object being to convert a deficit budget into a surplus one and which was done at the expense of the toil, sweat blood and tears of the subordinate staff. I know this is a very much hackneyed saying and is quite Churchillian in character, but all the same it is very applicable to the present depleted staff as the after-thought of a surplus budget. When a public utility service is treated as a commercial proposition with the aim of being a source of revenue to the Government's Exchequer, there must inevitably be a breakdown during an emergency. The Honourable Member must know that the Telegraph Department in England is never treated as a commercial Department and that it works yearly at a huge loss, which deficit is yearly budgeted for. Why are you trying to make the opposite obtain in India and trying to make money out of this department to satisfy the needs of the Finance Department? The Department thus found itself unable to meet the needs of the emergency from the very beginning of the present war. Indeed it broke down like a pack of cards. For months we have had the sad experience of receiving telegrams a day or two after receiving the confirmation copy by post and of being advised not to use the Telegraph. What an indictment! Sir, if this is the position with the enemy still away from the borders of India, can you imagine what will happen when he is nearer the borders of the country or has invaded our country? I raised this question of inadequacy of staff and installations in November last. Has any adequate attempt been made to train the necessary staff since then? Has the staff been increased? I only hope that we shall not merely be told that everything is all right and things are allowed to slide. Can it be said that the present staff of the Department is adequate for our present war needs both in India and abroad and the further needs which we might be called upon to perform any day? If not, will the Honourable Member please state what he is doing to remedy the position? In a land of distances such as India, the Telegraph Department must play a very important part. It played an important part in the early days of this war and in the last war and I hope under the present able Director General of Posts and Telegraphs, that it will continue to play an equally efficient part in the present emergency. Sentiment and a policy—we must show a surplus budget—must be thrown to the winds and all such measures as will ensure efficient service must be adopted at once. I hope it will be done before it is too late, if it is not already so.

Another matter which I submit calls for the immediate attention of the Head of this Department, one whom we all welcome in office, as an officer

[Lieut.-Col. Sir Henry Gidney]

who has the interest of his staff near at heart and whose one slogan I am sure is not "Reduce the staff—slog the staff", but we must present a surplus budget

I now desire to speak on behalf of the Posts and Telegraphs subordinates who are, today, in receipt of less than Rupees 50 as pension. These humble servants were the pioneer builders of the very edifice of the Department as we see it operating today and it does seem a tragedy to witness the squalor and distress in which these once trusted servants exist today owing to the enormous rise in the cost of living. They need relief and at once, Sir, here I am reminded of a saying of the Finance Member in his recent Budget speech which suits this occasion very admirably—I refer to those entrancing and enlightening words he used—"embarrassing plenitude". Sir, I refer to those words with reference to the surplus made this year by the Posts and Telegraphs Department and yet these poor pensioners have every claim to the help of the present administration and which could easily be made by granting a few thousands from this surplus. I would rather say give these worthy elder and aged workmen of the past some relief than strive for a surplus budget as the D. G., Posts and Telegraphs has presented to the Finance Member. Indeed I claim that all pensioners of Government who are in receipt of the old starvation rates of pension are entitled to some substantial relief if only for the duration of the war.

I wonder if the Honourable the Finance Member or the Honourable Member in charge of Communications has ever turned his vision towards this set of humble servants who have served his Department so efficiently and loyally years ago. If he would only do so, he would see that their present plight is not comparable to the position of the present staff. With the staff today their one and only companions are the ringing of joy bells, the bells of luxury, the bells of plenty and the bells enabling them to spend money. The officials have enough salary to spend on whatever they want and the upper subordinates of today with their extra pay—they also live within the sound of the joy bells of pleasure and plenty and so have comfort. But compare this with these poor subordinates who worked for you and who retired on pension years ago before the new pension rules were sanctioned. Their only companion is the funeral bell, each toll of which tells the world that one of that rapidly reducing number is still further reduced till today they are but a few who cry out in their hour of need, who want help and who must be given help if the Department is to show any sense of human touch. Sir, I move my motion.

**Mr. Chairman** (Syed Ghulam Bhik Nairang) Cut motion moved

'That the demand under the head 'Indian Posts and Telegraphs Department (including Working Expenses)' be reduced by Rs. 100''

**Mr. Muhammad Ashar Ali** (Lucknow and Fyzabad Divisions, Muhammadin Rural) Sir, the Government generally recognise that the Post Office servants are the most hard worked people in the country. In the case of small servants, especially those Postmasters who are sent to small towns, they do not have much assistance. They work from morning till evening in these small post offices. They are not generally highly paid servants.

The subject of this cut motion relates to the examinations for Inspectors of Post Offices and present day condition of Posts and Telegraphs Department. Sir, I have to place before the House some of the questions which are set for these examinations. I hope the House will know when

I mention question after question, how difficult these question papers are. These are set for the competitive examination. This system of competitive examination came into being from the year 1889. Before that, generally the Postal Inspectors were recruited from the small servants of the Post Office, such as Post Masters and so on. I do not think the answers to questions that are asked at these examinations are such as could be expected from a postal employee. The following are some of the questions:

"1. What are the following:

'gramophone, phonogram, teleprinter, telephone, dictaphone, telepathy, refrigerator, microscope, A. A. guns, telescope, loco works'.

2. Give the names of the capitals of the following countries: Roumania, Thailand, Assam, Sweden, China, Australia, Hungary, Coorg, France (unoccupied), U. S. A.

3. On what railway systems would you travel in going

(a) from Dhanushkoti to Peshawar

(b) from Chittagong to Karachi via Lahore

Mention in each case the names of five large cities that you would pass through

4. What is the power that makes the following work:

(a) a machine gun in Egypt, (b) an engine on the N. W. Railway, (c) a mail motor bus, (d) a telephone, (e) the dynamo in a hydro electric work, (f) a cinema film show."

**The Honourable Sir Andrew Clow:** I am merely asking for information for the benefit of the House. I should like to know if these questions are set for the examination for recruitment of Inspectors of Post Offices to which the Honourable Member, Sir Henry Gidney, referred?

**Mr. Muhammad Azhar Ali:** Yes, these are the questions set for the competitive examination for recruitment of Inspectors of Post Offices.

The last question is, an essay on war giving the developments so far. Sir, is it possible for these poor men working in village Post Offices to answer these questions? How dangerous it would be to enter into war essay for Post Masters? Do realize! These questions cover all kinds of subjects, some of them are scientific, some of them relate to machinery and some to politics and other things. I am sure if these questions are put to the higher officers of the Department they will not be able to answer them. They would be running a great risk!

**Rao Sahib N. Sivaraj:** What about Members of the Assembly? Will they be able to answer them?

**Mr. Muhammad Azhar Ali:** They, of course, can talk anything they like and so can members of the Government Benches. We are now concerned with these poor candidates for inspectorships. These are things which I recommend to the Honourable Member and the Director General of the Department to look into. These questions can be only answered by people who take the B. Sc. course or a course in Geography. Sir, I support the motion.

**Maulvi Muhammad Abdul Ghani:** Sir, I have heard the questions put from my learned friend, Mr. Azhar Ali, and I want to know what is the net result after undergoing such a hard examination. A few years ago I found a committee of experts in the Posts and Telegraphs Department sat and certain Inspectors were called. They underwent an examination

[Maulvi Muhammad Abdul Ghami]

and a list of six Inspectors was prepared in order of merit. They were from the Punjab and North-West Frontier Circle and it was decided that these six people would officiate as Superintendents of Post Offices in order of merit. The Director General was the President of that committee and he was a party to the examination, but after the examination it was painful to find that this decision was upset and the order of merit was changed. For instance, the second and third men were put down and the fifth and sixth men were put on top. What is then the use of holding an examination, and specially by the experts of the Department, when their decision is upset by one individual member of that expert committee? I am not relying on my imagination but it is a fact which the Honourable Member in charge of the Department can easily find out. Why was the order changed? Was it to suit the purpose of some individual official of the Department or was there any other reason? These things should be mended as soon as possible. There is much dissatisfaction among the employees of the Department and their grievance is that only such persons are given a chance who can somehow attract the attention of the authorities. Such impression should not be created in the mind of the employees which creates dissatisfaction, and such things make the holding of the examination useless and fictitious. Sir, I support the motion.

**The Honourable Sir Andrew Clow.** Sir, I wonder if the Honourable the Mover when he moved his motion expected that the debate would turn into a discussion on examinations. I listened with some interest to Mr Azhar Ali's list of questions. I thought they were interesting questions, but if he looks at the paper again he will probably find that candidates were expected to answer only a certain proportion of the questions. I go through an examination paper every third day in this House, and many is the time when I have looked hopefully at the top of the paper to see "Honourable Members are not expected to attempt more than five questions", but I have never found that there. But, surely, it is rather strange to find one Honourable Member complaining that the papers are too hard and the Mover complaining that people who have obtained high marks in that examination should not be appointed. Because that is exactly Sir Henry Gidney's proposition. This examination is intended to be held every year but not necessarily in every circle every year. It is an examination for Inspectors, as Sir Henry Gidney said. An estimate is framed of the probable requirements in each circle, and then on the strength of the examination a certain number of candidates are put on a list. No candidate is put on the list unless he has obtained 45 per cent in every paper. The papers consist of one paper in general knowledge and English, the others relate to departmental subjects which should be familiar to the candidates. If my Honourable friend, Mr Azhar Ali, was quoting the right papers I should have thought that gentlemen who obtained 45 per cent in all these papers were entitled to serious consideration.

The exact position in the Madras Circle, and I may say in the Punjab Circle also a similar position arose, was this that unexpected demands arose for Inspectors. That was due to two causes, partly to the war because some members of the staff went on field service, and partly because new posts were created. These were exceptional circumstances which would not arise in a normal year, and I may say, rather an increase of staff which Sir Henry Gidney no doubt welcomes. Now, if it had been necessary to



hold another examination it would have meant considerable delay, and what the Postmaster General did, (and the Director General has approved this course) was to take from the list of candidates men who had not been included in the first list but who had obtained the qualifying mark. In other words they had acquitted themselves satisfactorily in the examination, although not high enough to be included in the first list, and appointments were made from those men to the extra posts. Sir Henry Gidney laid great stress on the fact that one of the rules contains a reference to rejecting the other candidates. It does. But I don't think there was anything inconsistent with the spirit of the rules in this action, and I do not see that anything wrong was done. He has complained that these men were 'exempted' from appearing in a qualifying examination. But they had already obtained qualifying marks in that examination and to ask that they should again qualify themselves would have led to a much stronger protest than Sir Henry Gidney has made today.

**Lieut.-Colonel Sir Henry Gidney:** What about those who are awaiting promotion?

**The Honourable Sir Andrew Clow:** These were extra posts. These were unexpected posts, and they were filled by men who were qualified.

**Lieut.-Colonel Sir Henry Gidney:** But you will have no more examinations? Will you?

**The Honourable Sir Andrew Clow:** We will certainly need to have more examinations. Sir Henry Gidney has spoken feelingly of the effect on the younger members of the staff. I am given to understand that he himself pressed that in this connection the age should be raised and that his recommendation as a special case was accepted and the maximum age was raised from 35 to 40, so that all those who were previously eligible to sit in the examination would have been ineligible to sit if another one would have been held. But there was no reason, because they had already obtained qualifying marks in the first examination. The whole procedure seems to me to be not merely reasonable but quite fair.

**Lieut.-Colonel Sir Henry Gidney:** You don't apply this to other examinations like the I C S?

**The Honourable Sir Andrew Clow:** If they find in the I C S owing to the chances of a candidate failing in the medical examination that they want one or two more, they go one or two numbers down the list and here we had a somewhat similar case in having the need to meet unexpected demands.

I was not able to follow the Honourable Mr. Abdul Ghani's complaint. It was connected with Sir Henry Gidney's motion in that it relates to an examination, but there seems to be no other connection with the subject which was in the mind of the Honourable Mover. I am not very sure when it occurred, and I understand from the present Director General that he has equally no knowledge of the incident to which the Honourable Member was referring.

**Maulvi Muhammad Abdul Ghani:** I can give it in writing.

**The Honourable Sir Andrew Clow:** When was it?

**Maulvi Muhammad Abdul Ghani:** I think the examination was held in 1938 and reversion was made in 1939.

**The Honourable Sir Andrew Clow:** I hardly think that in the course of a debate on Demands for Grants we can go back to events in 1938 or 1939 and quite obviously I cannot come prepared to answer questions relating to a period when I was not in the Department.

**Mr Lalchand Navalrai** (Sind Non-Muhammadan) You know everything by heart.

**Maulvi Muhammad Abdul Ghani.** This subject was raised on the floor of the House and it is contained in the debates of the Assembly.

**Mr Chairman** (Syed Ghulam Bhik Nairang) One year's administration is under review and the matter should relate to that.

**The Honourable Sir Andrew Clow.** In view of your ruling, Sir, I won't go further into that, and I will pass to the more important question which Sir Henry Gidney raised and that is the adequacy of the staff. He complained, and there is some truth in the complaint, that in certain branches the staff have not been adequate to the exceptional pressure which the war has brought. But I would suggest to him that to some extent that is wisdom after the event. If he will cast his mind back to the debates in this House only a very short time ago, I think he will recollect that the pressure was for economy and for getting rid of superfluous staff and of keeping the staff down to the minimum that was necessary for the work. As I have said more than once, if he or I or other Members of this House had been able to foresee in 1938 the situation in which we find ourselves today we should have taken very different steps in a great many directions in addition to these.

**Lieut.-Colonel Sir Henry Gidney:** We agree there.

**The Honourable Sir Andrew Clow:** But efforts have been and are being made to increase the staff as rapidly as is possible. In the last year no less than two thousand permanent posts have been added in addition to the normal recruitment and a thousand temporary posts have been added. Sir Henry Gidney well knows that telegraphists cannot be created just by saying so. It is a trained and a skilled job but steps are being taken to train extra men with all the speed that is possible having regard to the need of having efficient men, and the training courses have been reduced in time and made more intensive. The importance of ensuring that the staff is adequate to the demands made or likely to be made on it is one which is very present to the mind of the Director General, and I think, I can assure Sir Henry Gidney that in his anxiety to see that the staff is not subjected to undue strain he will have the fullest sympathy of the officers at the Head of the Department.

**Lieut.-Colonel Sir Henry Gidney:** Sir, in view of what the Honourable Member has said, may I have the permission of the House to withdraw my motion?

The motion was, by leave of the Assembly, withdrawn.

**Lieut.-Colonel Sir Henry Gidney:** Sir, there is another motion standing in my name, but as time will not permit me to deal with the subject

adequately and I am sure time will not allow the Honourable Member to reply and as he is not in his seat—(possibly his Deputy will reply)—with your permission I will not move my motion and reserve my remarks—I am making this provisional statement—when the European Group move their cut motion on Tuesday and which relates almost to the same subject

*Representation of Mussalmans in Services under the Posts and Telegraphs Department*

**Mr Chairman** (byed Ghulam Bhik Narang) Now it is the turn of the Muslim League Party Maulvi Muhammad Abdul Ghani

Will his motion is the Honourable Member moving?

**Maulvi Muhammad Abdul Ghani** Sir No 6 on the Late List No 1 I beg to move

That the demand under the head Indian Posts and Telegraphs Department (including Working Expenses) be reduced by Rs 100

Sir, the object of this cut motion is to discuss the failure of the Department to comply with the Home Department Resolution No F 14/17 B/33 dated the 4th July 1934 concerning representation of Mussalmans in services under the Department Sir there is a long standing grievance of the Mussalmans so far as the services under the Department of Posts and Telegraphs are concerned There are ten classes of services under the Department of which four classes of services are the key positions the fifth one is clerical and the rest are all inferior and among this class there is another class of extra departmental servants This class is a temporary one People serving in this category are not permanent I will first try to show under each head the grievances of the Mussalmans Taking up the senior most—Gazetted posts—first I want to lay before you the result of Muslim representation during the last five years 1935-36 to 1939-40 because the latest figure available to me is of 1939-40

In 1935-36 there were 455 gazetted posts, the number of Muslims was 40—percentage 8.79 In 1936-37 the number of posts was 468 and the number of Muslims 41—percentage 8.76 In 1937-38 the total number of posts was 423 Muslims 43—percentage 10.16 In 1938-39 the number of posts was 407 Muslims 44—percentage 10.8 In 1939-40 the total number was 420 of whom Muslims were 46—percentage 10.95 So you will find that from 8.79 per cent they have reached in five years to 10.95 per cent i.e. an increase in five years of 2.16 per cent or .43 per cent per year This is the progress they have made and with this rate Muslims will take 58 years to complete 25 per cent

Now, I want to submit the figures of direct recruitment to which much importance is attached There were casualties due to deaths and retirements of 227 posts during 5 years Out of this 227 only 86 posts were allowed to be filled by direct recruitment during these five years In 1935-36, out of 48 seats, only eight were open for direct recruitment and of these five went to Hindus and three to Muslims In 1936-37 out of 41 casualties four were filled by direct recruitment and all the four went to the Hindus In 1937-38 out of 52 seats nine were open to direct recruitment but of which five went to Hindus, one to an Anglo Indian and two to Muslims one to Indian Christian In 1938-39 out of 48 seats, six went to direct recruitment of which five went to Hindus and one to a Muslim In 1939-40 out of 88 casualties, nine were allowed for direct recruitment,

[Maulvi Muhammad Abdul Ghami]

of which six went to Hindus and one to a Muslim, one to Sikh and one to Indian Christian. So out of these 36 seats filled by direct recruitment, Muslims had only seven seats, and the Hindus got 25 seats, i.e., 69.46 per cent. Of the 191 seats kept back, I find from comparison of figures in the postal report that one seat by way of promotion was allowed to a Muslim in 1936-37 and one more in 1939-40. So out of 191 seats which might have been filled by promotion, only two went to Muslims. Thus out of the total of 227 casualties, only nine seats were allowed to Muslims which comes up to 3.99 per cent in 5 years. This is the condition of the gazetted posts.

Now, I come to the second class—"Engineering supervisors and electrical supervisors. In 1935-36 out of 279 the Muslims were 13—percentage 4.65. In 1936-37 out of 295, Muslims were 14—percentage 4.74. In 1937-38 out of a total of 293, the Muslims were 14—percentage 4.77. In 1938-39 out of a total of 290, Muslims were 12—percentage 4.13. In 1939-40 out of a total of 284 Muslims were 12—percentage 4.2.

If you compare these figures, you will find that the progress of Muslim representation from 4.65 per cent came down to 4.22 per cent in the reverse direction, and in the meantime the Hindus increased their percentage from 38 per cent to 49.64 per cent—an increase of 11.64 per cent in five years.

Let us take the figures of direct recruitment. Direct recruitment was made in these 5 years for 12 posts, of which two went to Muslims and 86 went to Hindus. The percentage of Hindu seats was 85.71 and the Muslim's percentage was 4.76.

Now, I come to the third class of services, called wireless supervisors and wireless operators. In 1935-36 there was a total of 154, of whom the Muslims were six—percentage 3.89. In 1936-37 the total was 165 out of which Muslims were six—percentage 3.69. In 1937-38 the total was 171, of which Muslims were six—percentage 3.5. In 1938-39 the total was 206 of which Muslims were eight—percentage 3.8. In 1939-40 the total was 193 of which Muslims were eight—percentage 4.14.

Let us take up the direct recruitment during these five years. In 1935-36 two posts were filled by direct recruitment, and none went to Muslims. In 1936-37, 19 posts were filled by recruitment and all the 19 went to Hindu friends. In 1937-38, 46 seats were filled by direct recruitment and all the 46 went to Hindu friends. In 1938-39, 34 seats were filled by direct recruitment, 28 went to Hindus and 2 to Muslims and the rest to others. In 1939-40 there was no direct recruitment. So out of a total of 101 seats filled by direct recruitment only two seats went to Muslims—percentage 1.9. This is the state of affairs. You may very well judge whether it is going in the forward direction or in the backward direction. In this class of service, Hindus increased from 18.18 per cent in 1935-36 to 57 per cent in 1939-40. During these five years the Muslims increased from 3.89 per cent to 4.14 per cent and the progress made is .25 per cent during five years, i.e., .05 per cent per year.

There is a fourth class—called Telegraphists and Telegraph Masters. In 1935-36 out of a total of 2,447, the number of Muslims was 124—percentage 5.06. In 1936-37, the total was 2,874, the Muslims were 98—percentage 3.91. In 1937-38 the total was 2,127, the Muslims were 85—percentage 3.99. In 1938-39 the total was 2,074, Muslims 82, percentage 3.95. In 1939-40 the total was 2,035, Muslims 81—percentage 3.98.

I know it will be urged by the Department that during these five years no direct recruitment was made in this class. But there were casualties and retirements and all those went to one particular class of people—Hindus. If you will compare the figures you will find that the position of Hindus in the service was 37·31 per cent in 1935-36, and it went up to 48·89 in 1939-40. There was a gradual rise. So out of 918 losses by Anglo-Indians and 33 losses by Mussalmans in 1936-37, 288 went to Hindus. The Hindus' increase during the five years was 11·58 per cent whereas, in the case of the Mussalmans there was a decrease during the five years by 1·08 per cent. So, the clock, instead of going forward, moved in the backward direction.

Then, take the clerical staff. Perhaps it may be said that our case is made good there. But, there our share is not more than 25 per cent even in direct recruitment. Taking all the five years together, you will find that in the year 1935-36 it was 18·03 per cent and then it went up to 19·39 per cent ultimately in 1939-40. But out of the direct recruitment the number of which was 4,040, the number given to Mussalmans was 1,029, and this came to 25·2 per cent. This is the case only of direct recruitment, but taking direct recruitment and the existing together the position of Mussalmans in clerical service was 19·39 per cent in 1939-40. I find from the report that everywhere promises are being made but it is said that it was a case of 80 years and at least some time will be required for the Mussalmans to gain their position. It will take not 90 years but 60 in some cases or 90 years in other cases if Mussalmans are allowed to have 25 per cent share in services under the Department.

**Mr. Chairman** (Syed Ghulam Bhik Nairang) The Honourable Member has two minutes more.

**Maulvi Muhammad Abdul Ghani** Thank you Sir that is enough. In that case the Mussalmans will take in some cases 60 years and in other cases 90 years. This is the condition in a Department which tries to have the confidence of all the public. I have moved this cut motion not to find fault with any person but to urge the grievances of the Mussalmans and in order that the Honourable the Communications Member may realise whether injustice has been done to the Mussalmans or not. I have already spoken about direct recruitment, and in case where no direct recruitment has been made and seats have to be filled by promotion, there too our case has gone by default. The case of direct recruitment tells its own tale and the figures given are not mine. I have only worked out the percentages from the figures given in the postal department's reports of the five years. In the end, I may submit one thing. I ask whether such a state of affairs should be allowed to continue. With these few words I commend my motion to the acceptance of the House.

**Mr. Chairman** (Syed Ghulam Bhik Nairang) Cut motion moved.

'That the demand under the head 'Indian Posts and Telegraphs Department (including Working Expenses)' be reduced by Rs. 100''

**Mr. Muhammad Nauman** (Patna and Chota Nagpur cum Orissa Muhammadan) I rise to support the motion of my Honourable friend which has been moved on behalf of my Party. I do not want to indulge in a statement of figures because that would not improve matters at all. On the one hand, the figures have been quoted by my Honourable friend, Maulvi Muhammad Abdul Ghani, and on the other, I think the Honourable

[Mr Muhammad Nauman]

Member himself has studied them more than we can do in the short time at our disposal. You will find that the position of Mussalmans in every Department of the Government of India is about nine or eleven per cent. or something in this neighbourhood. The plight of my community has been miserable everywhere. I rise with a heavy heart to mourn the plight of that community in every Department and probably in every Branch. Unfortunately, within the course of the last 150 years we, the Mussalmans, have been reduced to a position where instead of being distributors of bounties and amenities, we have had to beg a share in slavery with a beggar's howl and even that share is being refused to us. That is the position of Mussalmans and I want the Government of India to realise this tragedy. We have been talking about this in this House for some years, at least for the last eight years. I have been talking once out or the other on paucity of Muslims on Railways, on Post Office, and in other Departments and we have been beguiled by promises of some kind or the other on all occasions. In 1934, we were told that things would now come to us in a very normal way by the Resolution of that year, by the Home Department, but the working has shown that all that glitters is not gold and ways and means were found out to defeat the particular purpose of the Muslims for which the Resolution was brought into force.

I want to press on the House that the Honourable Member in charge of Communications should see for himself what proportion of services has been given to us. I am particularly talking of the Postal Department and he knows too well what has been our feeling about the Railway Department as well. We have been having lot of discussions with him about this Department for many years. Sir, this is the unfortunate story of my community everywhere. What I want to say before the House is that we have no quarrel with the Hindus or with the Anglo Indians. They have got as much claim on the spoils of this country as any other people have. I do not suppose that they could be made responsible for the present position. They are not in charge of the administration. The British Government is in charge of the administration of the country and the British alone can claim to say that they are the distributors of the booty. As such, our quarrel could not be with the Hindus or the Anglo Indians. In fact, our quarrel is with nobody except the Government who is responsible for this. We want our own share and we want it from that authority which is responsible for the administration of this country today. I think it is in the fitness of things that we should claim our right. We have been asking for that from time immemorial and I think my Honourable friends belonging to other communities have also supported us in that claim. If I remember aright, I can cite the name of my Honourable friend, Sir Henry Gidney, who is sitting in my front and who supported me in that demand only year before last. He thought that our claim was being neglected or some plea or other was being found out to treat us in a manner that would defeat the purpose of the so-called Resolution of the Government of India in 1934, agreeing to give us 25 per cent share in Central Government.

Now, Sir, I do not know what else we can say. We have not got the power to compel the Government to come to our way of thinking. As accredited representatives in this House we have been stressing this point from 1926 onwards. We have not neglected this question on any occasion. We have done our duty. We have drawn the attention of the House and

of the Government through cut motions, Resolutions and by all constitutional means that were open to us. In spite of all this, you will find that story of the Muslims' claims remains where it began.

Now, I only want to know from the Honourable Member what was the use of the 1934 Resolution when all posts of vantage and position were not thrown open to direct recruitment and were filled in by promotion. I know full well that my community has not been able to capture inappreciable share of those posts. There was little or no chance of my community getting a share when the whole thing was turned to indirect recruitment. It was said that in any case within 30 years things must be righted. If there is any truth in that statement and if Government mean an honest statement to this effect, then when the position is reviewed from 1934 to 1941 we should have made an appreciable progress. Supposing in 1934 in the Postal Department or in any other Department we had about ten per cent of representation, then by this time we should have gone up by about another seven or eight per cent. My friend, Maulvi Abdul Ghani has shown to the House that the improvement has not been more than two per cent within the course of the last five years. If that is the position on record I do not know what the Government representative will say about it and how will he explain the position. Of course, I know everything can be explained away. Some plea can be found for every action. A lawyer can probably take brief for even confirmed murderers. All the same, phrases would not turn away the facts. Facts have got to be met by facts and nothing else. These things have got to be proved from the statement which Government have prepared. This is not the statement which we have prepared. We have got no means to know exactly what is happening. We know only what Government tell us, and that reveals a position which is very tragic for my community. With these few words, Sir, I support the motion.

**The Honourable Sir Andrew Clow:** Sir, this motion has come to me as a surprise because there is no Department within my knowledge in which more scrupulous care has been taken to adhere to the terms of the 1934 Resolution than the Posts and Telegraphs Department. Now that Resolution, as Maulvi Abdul Ghani quite fairly pointed out, relates to the new recruitment and to new recruitment only. I would urge my Muslim friends to agree with me that it is impossible to measure the extent to which that Resolution is being carried out by quoting totals of the percentage held in different classes.

**Mr. Muhammad Nauman:** May I ask one question? There were 227 vacancies in one year and only 30 were declared for direct recruitment. What could have been the sense in this to fill all the other vacancies by indirect recruitment when you knew that the number of Muslims was very few?

**The Honourable Sir Andrew Clow:** I think the Honourable Member was referring merely to Gazetted posts.

**Mr. Muhammad Nauman:** Yes.

**The Honourable Sir Andrew Clow:** Undoubtedly, a large number of Gazetted posts are filled by promotion. But we are dealing at present with the position since 1934 and in recent years there has been no change in that position. There has been no transfer, for example, of posts which

[Sir Andrew Clow.]

were formerly recruited by direct recruitment to promotion. The tendency, as Sir Henry Gidney complained some time ago, has been rather the other way and there has been no change in that position. The test by which I and the Department must be judged—and this is the only test which can be applied—is how far the figures of direct recruitment fulfil the obligations of 1934? If they do not come up to these obligations, is there any reasonable explanation for it?

Now I am going to apply that test and I am going to begin with the total figures of new recruitment for the whole Department, both Gazetted and non-Gazetted. In no year since 1935 has the total figure of Muslim recruitment fallen below 25, in most years it has been substantially above it. In 1935 the figure was 30.6, in 1936, it was 33.6, in 1937 it was 29, in 1938 it was 26.3, in 1939 it was 30.7 and in 1940 it was 27.1.

**Maulvi Muhammad Abdul Ghani:** I have already said that the percentage is made good by the appointment of peons and other menial staff.

**The Honourable Sir Andrew Clow:** If the Honourable Member had done me the courtesy of listening to me to what I have said, he would not have made that interruption. I said that I am dealing with the totals first and I will come to the particular classes later on. The average of the figures that I have given is 29 per cent for that period since the Resolution was passed. Let me come to the effect on the total strength. It is complained that the percentage of the total strength has been rising slowly. It is, because it has always been a good one. In 1930, the total percentage strength of Muslims was 22.2. It now stands at 23.5. In fact, it is very nearly the figure of 25.

Now, I come to one or two classes to which Maulvi Abdul Ghani particularly referred. I am sorry that owing to the speed with which we move he was not in possession of the figures which we ought to have been discussing primarily, namely, the figures for the last year available. He referred, I think in error to years 1937-38 and 1938-39. Actually, our figures are for calendar years, and the last figures that he cited were, I think, the figures for 1939. However, I am going to complete the picture by giving the figures for 1940 which is the year with which we are particularly concerned in the present debate. In the Gazetted staff there were 12 posts directly recruited of which five went to Muslims, a percentage of over 40. In Engineering Supervisors there were 46 of which 12 went to Muslims, a percentage of 26. In the Wireless Operators there were 35 posts, of which they only secured four, a percentage of 11. I will return to that later. In Telegraphs out of 58 they secured 14, a percentage of 24. In the clerical staff out of 1,509 they secured 326, a percentage of 21.6. I will have some observations to offer on that class also. So, in the most important class of all, the Gazetted posts they obtained far more than the minimum percentage. I have actually looked up the figures for the last four or five years and I find that they have obtained 25 per cent under gazetted grades so far as direct recruitment is concerned. In the Engineering Supervisors cadre, they have also obtained more than the minimum percentage. On the wireless operators side, the fact appears to be that in this rather small group, they have not come forward in sufficient numbers. Every Muslim who obtained the minimum percentage of marks was appointed. That is a small and unimportant group.



Coming to the clerical staff which is one of the big groups in the Department, here the percentage was 21·6. Now, Sir, that of course as Maulvi Muhammad Abdul Ghani pointed out, can be made up by other classes, but I do not propose to fall back upon that. Recruitment to the clerical staff in one or two areas particularly has given us considerable difficulty. One of these areas, particularly, was Sind and I see I have awakened my Honourable friend, Mr. Lalchand Navalrai. There has been serious difficulty there in obtaining candidates. We recruit in the Post and Telegraph Department clerical staff roughly on a Divisional basis, that is a local basis, and it was brought to my notice two years ago that we did not obtain the minimum number of Muslim candidates. We looked into the examination tests to see whether we could find any reasonable ground for imposing a lower standard and we did lower the standard to obtain a few more Muslim candidates.

**Mr. Lalchand Navalrai:** You gave six places to those that did not pass the examination.

**The Honourable Sir Andrew Clow:** Yes five or six places, as Mr. Lalchand Navalrai points out, were given to those who were not technically qualified according to the rules. We also imported, despite Mr. Lalchand Navalrai's objections, some Muslim candidates from the adjoining Province, if my memory serves me aright, to make up the required number.

**Mr. Lalchand Navalrai:** You have not been fair.

**The Honourable Sir Andrew Clow:** A similar difficulty has recently arisen in Behgal, where as my Muslim friends are aware, the standard of education of the whole Muslim community is perhaps not as high as it is for example in the Punjab. There also we looked into the examination papers and lowered the marks as far as we reasonably could. I will remind the House that in the case of these posts where we lowered the percentage of marks, we could have filled up the number from other communities who were coming in plenty, fully qualified for the appointment after obtaining the required number of marks. But we lowered the marks in order to ensure that there will be as little loss as possible of reserved appointments.

[At this stage Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

This matter of clerical recruitment has received my own particular personal attention and that of the Director General.

**Pandit Lakshmi Kanta Maitra** (Presidency Division Non-Muhammadian Rural) A very wrong policy.

**The Honourable Sir Andrew Clow:** Is it a wrong policy for me to attend to it personally? Perhaps it is. But the Honourable Member knows, as I believe my Honourable friends opposite know, that I have paid this question my particular attention in the last few years. In fact, I can claim, if you exclude questions relating to war, there is no question that has received my closer attention and more sympathetic attention than this question of ensuring that the Muslim community should receive every notice to which they are entitled. I recognise, and I sympathise with this

[Sir Andrew Clow ]

feeling that they started late. They are rather in the position of people who get on a bus at a later stage and find that the best corner seats are occupied. That is the difficulty and as regards adjustment, I am afraid only time can fully remove this inequality. But I can assure the House and I can assure the Muslim community that we in the Communications Department and in the Posts and Telegraphs Department are extremely solicitous about the interests as conferred by the Resolution and that it is a matter constantly present to our minds. I think the record of the Department in the last few years has been a good one.

**Pandit Lakshmi Kanta Maitra** Not the efficiency of the Department

**The Honourable Sir Andrew Clow** I do not think the efficiency of the Department has been in any way impaired. I do not believe it has. I look to my Muslim friends with confidence for co-operation in ensuring that candidates with the requisite qualifications come forward in adequate numbers for all the posts that we have.

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That the demand under the head 'Indian Posts and Telegraphs Department (including Working Expenses)' be reduced by Rs 100."

The motion was negatived

#### DEMAND NO 38—ARCHAEOLOGY

**The Honourable Sir Jeremy Raisman:** Sir, I move

That a sum not exceeding Rs 11,53,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943 in respect of Archaeology.

**Mr President** (The Honourable Sir Abdur Rahim) Motion moved.

That a sum not exceeding Rs 11,53,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943 in respect of Archaeology.

*Hardship and discrimination to which Muslim Officials are subjected in the Department*

**Sir Syed Raza Ali** (Cities of the United Provinces Muhammadan Urban) Sir I move

That the demand under the head Archaeology be reduced by Rs 100

Sir my object in bringing forward this motion is to bring to the notice of the House the hardships and discriminations to which the Muslim officials serving in that Department are subjected. The subject that the House will have to consider as formulated in my motion is somewhat the reverse of what was discussed on the motion of my Honourable friend, Maulvi Muhammad Abdul Ghani. There the question was whether due effect was being given to the Home Department Resolution dated the 7th July, 1934, and whether Muslims were getting their due and proper share or not. The question that we have to consider now is whether those Muslims who have already been admitted to Government service and who are serving in the Archaeological Department are getting justice and fair play. Unless the terms of the Government of India Circular of 1934 are considerably modified, it will not be possible

for most of us to secure justice for Muslim officials 'where' step-motherly treatment is meted out to them. Let us see what the position in the Archaeological Department is.

I welcome by Honourable friend, the Member in charge of the Department of Education, Health and Lands, to this House and I hope he will take due stock of the situation so far as the Department of Archaeology is concerned. I will not be long because I believe facts should be more impressive than weighty words. The charge that I bring against the administration of this Department is the discrimination and hardship to which the Muslims are subjected, including victimisation, as evidenced in the acts of the head of the Department, the Director General of Archaeology, against Muslim officials. So far as fair treatment is concerned, there is not much of it to be found in the dealings of the head of the Department with his Muslim officials. I regret to say that but I am forced to draw the attention of the House to that state of affairs. I will just put a few facts before the House to justify my asking the House to vote with me on this motion if it is pressed to a division.

I may say that there is a very large number of cases of discrimination shown against Muslim officials. The time at my disposal will not allow me to bring all these cases to the notice of the House and so I will content myself with drawing attention to a few which I think are amongst the most important. There were two Assistant Superintendents serving in this Department one of whom is a Muslim and the other is a non-Muslim,—in fact he is a Hindu. I did not want to mention names but in order to avoid confusion arising in the course of the debate I think the House would not mind if I were to mention names. It is not with a view to take any advantage of these names but I think my Honourable friend will be in a better position to understand my point and to follow my argument. There is Dr Nazim and there is Mr Srivastava. In 1927, Dr Nazim was senior and Mr Srivastava was junior. After the assumption of office by the present Director General, Dr Nazim became junior and Mr Srivastava became senior. The effect of this will be readily realised by the House, and I need not dilate on it at length. The direct effect will be that in the matter of promotion when these two officers are concerned, the senior man will get the chance before the claims of the junior officer are taken into account.

Then, there is also a very illuminating case to which I invite the attention of the Honourable Member. In the Department of Archaeology there are two gentlemen,—Mr Yasin and Mr Sharma. Mr Yasin is an M.A. who has contributed a number of articles to archaeological journals dealing with archaeology and displaying a certain amount of original research, the other gentleman, Mr Sharma, is only a matriculate. This matter formed the subject of interpellation in this House on the 17th March 1941, and from the questions put and answers given it transpired that though Mr Yasin is an M.A. and though Mr Sharma is only a matriculate, yet Mr Sharma was given the post of an Assistant in the Department before Mr Yasin, thereby making Mr Sharma senior to Mr Yasin. I also asked in this House whether there was any case in the Government of India in which a Muslim matriculate had been preferred to a non-Muslim M.A. and I wanted a reply, but as usual no reply was given to me on that point and I was asked to give due notice. Let us take a third case, and that is the case of Mr Hamid Qurashi. This gentleman was Assistant Superintendent in the Department of

[Sir Syed Raza Ali]

Archæology, he was found guilty of making an overcharge in travelling allowance and was duly punished. Now, I am sure no one in this House and no Muslim will have any sympathy with Mr Quraishi for being punished for misdemeanour, but let us see what happened when a non-Muslim committed a similar fraud. He was Mr K. N. Puri. He committed a similar misdemeanour,—also in the time of the present Director General,—and he wanted to charge Government an undue sum for travelling in a class by which he did not travel. He was caught by the Circle Superintendent who punished him but the Director General asked the Superintendent to cancel the order of punishment and took no cognisance of the matter himself. In fact, the Director General was perfectly prepared to sleep over the matter but for the interpellations put in this House by which the attention of Government was drawn to this matter and some sort of punishment was given to Mr Puri. In spite of that,—to complete my argument,—it is strange that Mr Puri was only recently recommended for a rather important post by the present Director General. Not only that I understand that when the time for interview came, the Director General as the expert adviser to the Public Services Commission sat on the committee of the Public Services Commission and pressed the claims of this man who, I understand, is going to be appointed to a higher and more important post. I invite the attention of the Honourable Member in charge of the Department to this series of irregularities—although that word is only an euphemism and I feel inclined to use a stronger term, yet I will resist the temptation and not do so. I ask the Honourable Member to inquire into the series of transactions relating to Mr Puri and find out what it is that prompts the present Director General to favour Mr Puri by hook or by crook.

Another case is one relating to the Frontier Circle. There it appears three officers were found to be not so efficient as to deserve increments of pay. Two of these officials were Muslims and the third was a non-Muslim. The increments of all these three were stopped. The two Muslim officials appealed against this order of stoppage of increment, and the appeals were rejected by the present Director General, whereas, in the case of the non-Muslim official his increments were restored with retrospective effect. I need hardly say that all this has happened in the regime of the present Director General of Archæology.

**Mr Lalchand Navarai:** Sir, I rise to a point of order. Sir, I do not want to obstruct this debate, but

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar**  
4 P.M. (Commerce Member) What is the point of order?

**Mr Lalchand Navarai:** I am coming to the point of order.

**Mr President** (The Honourable Sir Abdur Rahim) Well, the Honourable Member should know that according to the Standing Order a point of order should only be stated. No speech is necessary.

**Mr Lalchand Navarai:** On a point of order. I want to know whether this is a matter of public concern?

**Mr President** (The Honourable Sir Abdur Rahim) Yes, certainly it is.

**Sir Syed Raza Ali** Sir, may I congratulate my Honourable friend on his timely point of order. If this is not a matter of public concern, surely the looting of the people of Sind by disorderly elements will not be a matter of public concern either. Now, resuming my speech.

**Mr. Lalchand Navalrai** Sir, I had to say something on that point of order.

**Mr. President** (The Honourable Sir Abdur Rahim) Order, Order.

**Mr. Lalchand Navalrai** Sir, I wanted to give my reasons for it.

**Mr. President** (The Honourable Sir Abdur Rahim) No. The Honourable the Mover should continue.

**Sir Syed Raza Ali** Sir, there is another case which also is a very interesting one. I do not know really what to emphasize—the interest that attaches to this case or the impudence that was displayed in dealing with this case by those who were responsible for it. The case is this. There was a Photoprinter in the Archaeological Department. He was a peon but he had worked as Photoprinter a number of times. On the retirement of the Hindu Photoprinter he was appointed to officiate in the vacancy. In the meantime the Director General abolished this post of Photoprinter and substituted in its place the post of Photographer-Draftsman. The vacant post of Photographer-Draftsman was advertised and applications were invited. A large number of competent candidates—both Hindus and Muslims—applied for it. Now, mark, Sir, how the Director General behaved. He refuses to go into those applications and appointed a Brahmin to this post for reasons I believe unknown either to my Honourable friend or his predecessor. On the question being raised on the floor of the House and the attention of the Honourable Member being drawn to it, the Government interfered and that post was again advertised. I can give dates to the Honourable Member but as the time at my disposal is very short, I will not do so now.

The other case concerns the Epigraphist who has been appointed to officiate as Deputy Director General. Now, so far as the Epigraphist himself is concerned, I have not a word to say against him but I am here to impugn the policy underlying this gentleman being brought over to the Government of India and appointed as Deputy Director General. Let me inform the House very briefly that until now the policy of the Government of India has been not to appoint any technical man to any administrative post, namely, the post of Deputy Director General or Director General. But for this Dr. Sastri who was a very eminent epigraphist would have held the post of Deputy Director General. Similarly Mr. Sanaulah who is a very distinguished Chemist would have held an administrative post but none of them was appointed. Until now that has been the policy. Till my friend, Mr. Tyson, who is no longer a member of this House, enunciated the policy of the Government of India last year in answer to my question none of us knew that the Government of India had made a departure from their settled policy. So, I invite the attention of my Honourable friend to that point, namely, is it right to bring a technical man to work in a very important administrative post? If you do that, you will have to consider other claimants.

[Sir Syed Raza Ali]

some of whom are Mussalmans But I am not raising that question I invite the attention of the Honourable Member to the policy underlying this appointment

Now, I will mention a very recent happening in which, I am sure, this House and my Honourable friend will be interested The post of Archaeological Chemist will shortly fall vacant On a question being put on this subject in this House, Mr Tyson on behalf of the Government made this announcement

The vacancy is to be filled by the appointment of a Muslim

That reply was given by Mr Tyson on the 17th of March, 1941 In conformity with this reply, applications were invited and the Public Services Commission received a large number of applications Of course, when applications were invited this post was advertised as being a reserved post, namely, reserved for Muslims Now, the usual procedure of the Public Services Commission, with which body I was associated for more than five years, is that when applications are received they are gone through by a Committee and those candidates who are considered fit are invited to interview They are interviewed and if the required number of applicants possessing the necessary qualifications is recommended by the Commission, appointments are made to the vacant posts by the Government of India Now, all this procedure was departed from in this case I do not know why the Public Services Commission did not go into these applications It seems that things were manoeuvred in such a manner that it was held that none of the applicants possessed the necessary qualifications

**Sir F E James** Manoeuvred by whom?

**Sir Syed Raza Ali.** That is what I do not know I believe my Honourable friend will be able to satisfy our curiosity The same curiosity is lurking in my mind too Then, it was held that because this post was advertised as a reserved post for Muslims and because it was supposed that none of the Muslim candidates possessed the necessary qualifications the post was advertised again as being an open post, with this difference that formerly the qualifications insisted upon in the case of Muslim candidates were higher and this time the qualifications were somewhat relaxed They ought to have been either the same qualifications or higher qualifications in the case of general candidates But it was just the reverse If my Honourable friend goes through both the advertisements he will find the difference

I may just in passing also invite my Honourable friend's and this House's attention to some cases of interference by the Director General He also is interfering in the discharge of their duties by Muslim officials I have got several cases in mind but I do not propose to take them up

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member's time is up

**Sir Syed Raza Ali.** Sir may I have two minutes?

**Mr President** (The Honourable Sir Abdur Rahim) No, no The Honourable Member cannot have any more time He has had twenty minutes already

**Sir Syed Raza Ali:** I will just move, Sir While moving I will say that the Government can always find it possible to explain or explain

away the conduct of its officials but I want my Honourable friend to discourage the perpetration of injustice and to see to it that even the highest official should not find it in his power to treat the different communities in this country differently. Sir, I move

**Mr. President** (The Honourable Sir Abdur Rahim) Cut motion moved

"That the demand under the head 'Archæology' be reduced by Rs 100"

**Pandit Lakshmi Kanta Maitra** Mr President, I had not the least desire to participate in this debate, and I feel considerable diffidence and delicacy in rising to speak on a subject which to me at least seems very unseemly. This question of discrimination and ill treatment of the employees of a particular community by the head of the Archæological Department had cropped up before this House several times and this is not altogether a new motion. Honourable Members may remember that a goodly portion of the question hour of the last Budget Session was devoted to this subject by a section of the House, and it appeared to us that a regular crusade was being carried on against this Department. We had had the melancholy experience of having volleys of questions fired at the Department till we got sick. On one of those occasions, fortunately for the House and perhaps fortunately for the Government too, the intervention of my Honourable friend, Sir Frederick James and the Honourable Mr Banerjee, the Leader of my Party, and of my humble self by certain Supplementary Questions cleared a lot of misconception, inasmuch as they brought to light certain facts which seemed for the time being to give the quietus to the whole thing. On one occasion, when an air of injured innocence was thought to be given to the Party affected, we elicited from the Department, by Supplementary Questions, information which proved, that the charges made against it of partiality or discrimination had no legs to stand upon. Today, standing here, relying on my memory—I hope my memory does not play me false in this respect—I would like to remind the Honourable Member in charge of the Department that in reply to some of my Supplementary Questions, certain data were furnished to this House. Mr Tyson, who used to represent the Department in those days is not in his seat today, and I do not think he is in this House—unfortunately he is now in a place from which he cannot intervene. He was forced most reluctantly to give out certain figures. Let us see what the figures tell. There are certain gazetted posts in the Department of Archæology. In the first-class gazetted posts, the representation of the Muslim community is over 40 per cent. The Hindus and other communities including Europeans fill the rest. There is another category

**Sir Syed Raza Ali:** I do not want to interrupt the Honourable Member but he is wrong. There are four Muslims in a cadre of 18. He is wrong with regard to officers of the Department.

**Pandit Lakshmi Kanta Maitra:** The Department is there to check me or correct me because I have said already that I am relying on my memory, and if I am wrong the Honourable Member in charge will have to correct me. Now I do make this statement that in the first-class of gazetted officers, the representation of Muslim community is above 40 per cent. In the second category, the representation of the Muslim community is only 12 per cent.

**An Honourable Member:** Not more?

**Pandit Lakshmi Kanta Maitra.** I do not know if the Department can give more than 50 per cent if they can they will.

**Mr. H. A. Sathar H. Essak Sait.** Where does my friend get these figures? Is it from his imagination?

**Pandit Lakshmi Kanta Maitra.** In the non-gazetted posts, such as custodians, the representation of Muslims is over 80 per cent, and in the Chemical Assistants Department, the Muslim representation is about 50 per cent. In the Archaeological Scholars Department, the Muslims have not less than 50 per cent. Again, in the entire technical staff the representation of Muslims is about 80 per cent. In the clerical staff of the Director General of Archaeology, the Muslim representation again comes up to 50 per cent. In promotions the percentage is about 60 per cent. In temporary appointments in the Department, the representation of the community is over 40 per cent. This is the picture I place before the House.

**An Honourable Member.** From memory?

**Pandit Lakshmi Kanta Maitra.** Yes. If there is anything more correct you can give me, I shall abide by it. I want you to challenge me. I may be off the correct figures by 1 or 2 per cent but that on the side of under estimate not on the side of excess. If I am forced to place these figures once again today, it is because a sense of duty impels me to do it. A distinguished public servant of a Department of the Government of India is being maligned, series of misstatements have been made against him and his administration, and I am surprised and even pained that such a matter has been brought before this House by no less a person than the Honourable Sir Raza Ali. While it is not my desire to indulge in communal bickerings, I think, it is necessary at times to tell the House that a fictitious grievance is often made and that the charges are very often made without due care and caution. Public interests demand that we should be cautious in levelling charges against distinguished public servants. The Director General and the Deputy Director General of Archaeology are distinguished scholars, distinguished officers who have made great contribution to the Department and their contributions have been well recognised in this country and outside by persons who are best fitted to speak on the subject. That is well-known. I therefore, think, that from this point of view, the point of view of Muslim representation in this Department instead of the Muslim Community having any cause for grievance, it is the other community that has got one, that is, that their legitimate share has been cut out and given as concessions to the clamour that has been systematically carried on. I enter my protest against that. If the Government of India want to stand by the Resolution of 1934, and if communities want to swear by that gospel, then I would warn the Government to bear in mind that the communities who are entitled to 75 per cent in all should not be debarred from their legitimate share.

Then, Sir, my Honourable friend Mr. Lalchand Navalrai, wanted to raise a point of order. I think the point that he was making was not much a point of order. What struck me also was that if charges of this



nature were sprung upon us as a surprise, how would it be possible for us or for the Department concerned to meet them. The alleged facts placed before the House by Sir Syed Raza Ali can be neither confirmed nor contradicted by us. They are departmental matters.

**Sir Syed Raza Ali:** It is for the Department to answer. Why are you answering for them?

**Pandit Lakshmi Kanta Maitra:** It is the duty of every one of us to test or sit any statement that is made by an Honourable Member in this House and I am not a person to shirk that duty. Every Member is entitled to know what the charges are.

**Maulana Zafar Ali Khan:** Why are you raising the Hindu Muslim question? It must be a question of justice, pure and simple.

**Pandit Lakshmi Kanta Maitra:** Therefore, I submit that these minute details in administration which have been placed before this House are such that they can be neither confirmed nor contradicted. That is for the Department. But whatever the matter in issue, I cannot lend my support to this kind of spirit which is behind this motion, because I know the background against which this is set off. I am sorry I have to oppose this motion.

**Mr. N. M. Joshi:** I do not wish to deal with the particular case which the Honourable the Mover of this motion has placed before the Assembly this afternoon. But, Sir, I am intervening in this debate to point out how unsuitable this subject is for discussion in the Legislature.

**Mr. President** (The Honourable Sir Abdur Rahim): If the Honourable Member implies by that, that this really ought not to be allowed to be discussed, he knows that similar questions are discussed frequently here.

**Mr. N. M. Joshi:** I am not making that implication at all. It may be permissible under the rules to discuss certain questions.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member surely knows what importance is attached in this House to these questions. It is very unfortunate.

**Mr. N. M. Joshi:** But I take a different view. Even if we are allowed to discuss certain matters, whether as a matter of policy we can discuss such matters usefully in the Legislature is the point that I am making.

**Sir Syed Raza Ali:** What course do you advise me to take?

**Mr. N. M. Joshi:** I am coming to that. We have several times discussed communal questions in this Assembly, and discussed them, if I may say so, very bitterly. But so far as I am concerned I have never opposed the discussions of those questions. I may have regretted the discussion but I never opposed because I realised that in our country, unfortunately, the communal feeling does exist. But I feel, and I must express my feeling, that discussion of this question in the Legislature today has really reached the low water mark of undesirable discussion.

[Mr N M Joshi]

There are two points of view to these questions which have been placed before the Legislature—from the point of view of the subordinates dealt with by the head of the Department, and from the point of view of the head of the Department himself. The Honourable the Mover of this cut motion mentioned certain subordinate officers and how they were dealt with.

**Sir Syed Raza Ali** Specific cases

**Mr N M Joshi** He mentioned that a particular officer in his judgment was not blameable but was blamed or some one was treated with favour and another was treated with disfavour.

**Sir Syed Raza Ali** Discrimination

**Mr N M Joshi** How is this Assembly going to come to a right judgment as to whether the discrimination was justified or not, or whether there was discrimination at all. The Honourable Member mentioned two cases. The Honourable Member in charge of the Department may require an hour or so to tell us whether there was discrimination or not in these cases. My Honourable friend mentioned other half a dozen cases. When we discuss these half a dozen cases and come to a judgment in half an hour or an hour's time during discussion or even in two days' discussion—some Members will make remarks against the conduct of the subordinate officers. My Honourable friend thought that a particular Mussalman officer deserved promotion. A Hindu Member who perhaps knows—I do not know anybody—a Hindu Member who perhaps knows the Hindu who was considered to have been shown favour may say that the Hindu member was the best one. As a matter of fact the fact may be different. The Mussalman may have been the best one and the Hindu may not have been the best one. How are we going to judge? That is the difficulty which I feel. Then there is the question to be looked at from the point of view of the head of the Department. The head of a Department comes to a decision on a hundred matters of this kind during a year, perhaps 200, perhaps 500. The Honourable the Mover placed before us certain cases, half a dozen cases or even a dozen cases. Will these dozen cases, even if they are true, prove that the officer whom the Honourable the Mover of the motion accuses—is he to be considered as a bad officer or an officer not worthy to fill that post? He may have come to a judgment in 500 cases and we are judging him by half a dozen or a dozen cases which are placed before us. I, therefore, feel that even from the point of view of the head of the Department discussion in the Legislature is unfair to him. I submit in these circumstances that a discussion of this nature should be avoided as a matter of policy. I quite realise, and I am with the Mover of the cut motion, that every officer of Government, whether subordinate or inferior, who has a grievance—that grievance must be looked into. There must be some machinery by which the grievances will be redressed. If a subordinate officer was passed over, I do not know what machinery the Department has exactly. He can appeal to the Honourable Member, I think. The Honourable Member happens, unfortunately to be a Hindu in this case, but the Honourable the Mover has no complaint against him, I am glad to hear that. But even supposing the Honourable Member happens to be a Hindu there is the Executive Council then, the Governor General. In any case an officer who is badly

treated or wrongly treated can appeal to the Governor General. The Governor General, happens to be a Britisher, not a Hindu. I, therefore, feel that the right course for an officer who is badly treated is to go, first to the Honourable Member and take the chance of appealing to the Governor General. Even if that is not satisfactory, I think the Government of India should allow appeals in such cases to the Public Service Commission. Why have we spent money in creating the Public Service Commission if the Public Service Commission is not to go into these matters? I agree with the Honourable the Mover if he feels that there should be a suitable machinery for examining the grievances of the subordinate officers.

If there is no appeal to the Public Services Commission in cases of this kind, the Government of India should take steps that an officer who is treated wrongly, unjustly and unfairly should be able to go to the Public Services Commission. If the machinery of the Public Services Commission is not suitable for removing the grievances of the subordinate officers, Government of India should consider some other machinery. But I feel that this House is not a suitable machinery for discussing the merits of the work of subordinate officers or even of the head of the Department. I hope that this discussion may lead to the establishment of a proper machinery whereby the subordinate officers of the Government of India will get justice and I also hope that the discussion which has taken place today may not take place in this Legislature again.

**Mr Muhammad Nauman:** Sir, I had no desire to take part in this debate particularly because I had not studied the position very much in the Department but as my Honourable friend, Pandit Lakshmi Kanta Maitra, has referred to the figures which were surprising to me I have tried to ascertain within these few minutes from the statement brought from the Library what the exact position is. I think it would be rather unwise on the part of my Party not to clear up the position. Mr Maitra has been saying that in some cases Muslims were 50 per cent or 100 per cent. Probably he has not studied the figures of this Department himself. If he looks at the statement showing the annual composition of the office of the Director General of Archaeology in India on the 1st of January, 1940—a statement prepared by the Government itself—he will notice that in the case of the Superintendents the Hindus are 100 per cent, assistants and clerks are 88.3 per cent, and stenographers are 50.2 per cent, and the ratio of Muslim stenographers is only 6 per cent. It is very unfortunate, as I said earlier, that we should fight on these issues. You will find, Sir, that in the case of technicals 100 per cent representation is given to my friends the Hindus. I do not grudge it as I said earlier responsibility lies with British Government. The statement goes to show that in the case of the Custodian of Delhi there are 100 per cent Hindus, in the case of the Hyderabad office, they are 100 per cent Hindus, in the case of the staff for the Delhi Museum, Hindus are 100 per cent, in the case of the Agra office, Hindus are 50 per cent, in the case of the Office of the Superintendent of Archaeology, Hindus are 50 per cent, in the case of the Superintendent of Archaeological Survey, Eastern Circle Calcutta Hindus are 100 per cent, in the case of the Superintendent of Archaeological Survey, Southern Circle, Madras, Hindus are 100 per cent, in the case of the Archaeological Section of the Indian Museum, Calcutta, Hindus are 87.7 per cent. In short, the key positions and important positions are being held by Hindus and still their representatives make a grouse of it.

**Mr. N. M. Joshi:** May I ask a question? Where you have stated that the percentage for a particular community was 100 per cent, may I ask how many persons were there?

**Mr. Muhammad Nauman:** My Honourable friend, Pandit Lakshmi Kanta Maitra, treated the House in the same way and that is the reason why I did not like to give the number of the persons employed. He did not give the figures, he gave only the percentages. So, the reply had to be only in terms of the percentages. Mr. Maitra was speaking from memory and I am quoting from the records of the Government of India. That is the difference between him and me. Even in the total the position of the Mussalmans is 26 and the Hindus are 75.80 per cent. My friend was trying to make out a case that the Muslimans are probably 40 or 50 per cent. Is it possible in this Government?

Another point mentioned was whether it was at all necessary for the Members of any community or for a public representative to bring to the House certain conditions which existed in a particular Department. I think my Honourable friend, Pandit Lakshmi Kanta Maitra, was probably exaggerating his own position when he thought that he was called upon to reply to that issue at all. Naturally, he is as much ignorant as many others are. And if a certain thing has come to my knowledge it is my duty to bring it to the notice of the administration through you, Sir, and also mention before the House that a certain officer or a certain Department is not dealing in the manner in which it is expected to deal. As such, it is for that Department and the Government spokesman on behalf of that Department to tell us whether the information is correct or not. The Members of the House are not expected to say whether they were in the know of the things or not or whether they can challenge the statements made or not. They are not in charge of the portfolio. I look forward for the day when my friend, Pandit Lakshmi Kanta Maitra, may be in charge of such Department. In that case, we will accept an answer from him, but he is not yet in that position although he tried to answer in a way as if he was the Government.

My submission to the House is only this. My friend, Sir Syed Raza Ali, has moved a Resolution very ably to impress on the Government that all is not well in that particular Department and we are interested to hear what the Government has got to say on that point. If the Government find out inquiry that whatever Sir Syed Raza Ali has said is true and that facts were not wrongly represented to him, it is their duty to see that this wrong is righted and the correct position is maintained. That is the only purpose of the cut motion and I hope Government will give it its best consideration. With these few words I resume my seat.

**Maulana Zafar Ali Khan:** Sir, it has caused me great pain to find that in this House a question has arisen which some of my friends want to make a Hindu-Muslim question. I am of the opinion that as long as the Hindus and the Muslimans do not join hands together, the problem of India can not be tackled. Sir Syed Raza Ali says that glaring injustice has been done in the case of three or four men and he wants to bring to the notice of this representative House, which is the ultimate forum of justice for the people of India the case of those poor people. Instead of listening to him dispassionately and looking upon the matter in a calm manner, up springs my friend, Mr. Lalchand Navalrai, and raises a meaningless point of order. Then, my friend, Pandit Lakshmi Kanta

Maitra, for whom I have the greatest regard, seems to take up the cudgels on behalf of the Director of Archaeology and acts as an apologist for him. The simple and plain question was whether it is a fact or not that in the case of two candidates, one of whom happens to be a muslim M A and another a Hindu Matriculate, preference was given to a Matriculate over an M A? Whether it was not the case that the Matriculate was articulate and the M A was inarticulate? Sir Raza Ali only wanted to bring this matter before the House. Then came up the question of efficiency.

I am not one of those who hold that a post should be given to a Muslim simply because he happens to be a Muslim. If a Muslim is inefficient, let him go. But my blood boils with indignation when I see that there are some people in the country who take up the attitude that because a certain individual happens to belong to a certain community,—although he may be totally inefficient and totally unfit for a post—the post should go to him. My Honourable friend, Pandit Lakshmi Kanta Maitra, has not been able to prove that Sir Syed Raza Ali's facts and figures are wrong, nor could Mr Joshi, the tone of whose speech, I admire, bring forward any arguments to prove that the facts and figures of Sir Syed Raza Ali are wrong.

**Mr N M Joshi:** They are not facts and figures, but only accusations.

**Maulana Zafar Ali Khan:** I think those Indians who are in charge of a Department and act in the manner described by my Honourable friend, Sir Syed Raza Ali, are the greatest enemies of India, because by their actions they provide the Britisher with a plea for dominating India for ever. The Barrister says 'you, Indians cannot hold the scales of justice even between the Hindus and Muslims, as long as we are here, we shall hold the scales of justice even. We go, and you will fight amongst your selves'. Sir, this is a warning to those who call themselves Nationalists and the best service they can do to their country is not to consider any question in terms of Hindus or Muslims, but in terms of patriotism, justice and efficiency. That is what I want.

**Dr P N Banerjee** (Calcutta Suburbs Non-Muhammadan Urban). Sir, I entirely agree with my Honourable friend, Maulana Zafar Ali Khan, when he says that questions like these should not be considered from the communal standpoint. I am definitely and strongly of the opinion that such questions should be considered only from the point of view of efficiency and justice. My Honourable friend, Sir Syed Raza Ali, asked a question, because I happen to know something about this matter that I tried to give him an answer. He says 'Is it right to take a technical man as Deputy Director General of Archaeology? Now, Sir, the gentleman who was appointed as Deputy Director General of Archaeology some four or five years ago is an Epigraphist. An Epigraphist is not a technical man in the sense that an Engineer or a Chemist is a technical man. Epigraphy is the most essential part of Archaeology. I happen to know this gentleman. He is an all-round man. I had worked with him in the Post-graduate Department of the Calcutta University for a number of years. His reputation has spread not only throughout this country but even beyond its frontiers. Therefore, Sir, when my Honourable friend, Sir Syed Raza Ali, raised the question of competence of this man, I must say that he was not quite well informed, and I wish to give him this information that he is wrong in his estimate of the qualifications of this

[Dr P N Banerjee]

I should also like to point out that I happen to know a little about the work of the department of Archaeology. Two of his predecessors were technical men—one gentleman Mr. Pope was a technical man, I forget the name of another gentleman who was also a technical man. I may point out that only a few months ago, the Epigraphist in Ceylon was appointed as Director General of Archaeology. A knowledge of epigraphy is regarded as an essential part of the work of an archaeologist. It is not regarded on the same footing as that of a chemist or an Engineer. Therefore, Sir, I maintain that this appointment which was made three or four years ago should not be questioned now and I submit this gentleman possesses the highest qualifications. I am sorry to find that the question has been raised in this form now. I hope such questions as has been rightly said by my Honourable friend Maulana Zafar Ali Khan, will be considered from the point of view of efficiency and justice in future.

**Nawabzada Muhammad Liaqat Ali Khan** (Rohilkhand and Kumaon Divisions, Muhammadin Rural). Sir, every one of the Honourable Members who have preceded me has decried communalism in spite of the fact that he owes his existence in this House to communalism.

**Dr P N Banerjee**. Most unfortunate.

**Nawabzada Muhammad Liaqat Ali Khan**. I, for one, do not offer any apology for rising to speak on this motion. In a country like India which is a land of different nationalities and is not a national State, questions like this are bound to arise. Why should we, as responsible Members of the Legislature, fight shy of discussing such questions as long as there is no sense of injustice or hatred in our hearts against any individual or against any community. Sir, my Honourable friend, Sir Syed Raza Ali raised certain issues which Pandit Lakshmi Kanta Maitra in a clever way has tried to side-track. Sir Syed Raza Ali never mentioned anything about the representation of various communities in the Department of Archaeology. So the question whether there were more Muslims or more Hindus was not the subject matter of the motion which was moved by Honourable Sir Syed Raza Ali. He has raised a more serious question than that to which Pandit Lakshmi Kanta Maitra referred. To my mind there is nothing more serious than the fact that the head of a Department should be guilty of showing partiality or showing communal bias in certain matters. The Honourable the Mover is a responsible Member of this House.

**Lieut.-Colonel Sir Henry Gidney**. Question.

**Nawabzada Muhammad Liaqat Ali Khan**. My Honourable friend questioned this statement.

**Lieut.-Colonel Sir Henry Gidney**. I did not mean my interruption as serious.

**Nawabzada Muhammad Liaqat Ali Khan**. He was probably speaking for himself.

**Lieut.-Colonel Sir Henry Gidney**. I was only looking at your face. I did not mean anything.

**Nawabzada Muhammad Liaqat Ali Khan:** If my Honourable friend looks at me long enough, he will be a better man than what he is

**Lieut.-Colonel Sir Henry Gidney.** Question

**Nawabzada Muhammad Liaqat Ali Khan.** I was stating, that the Honourable Member who moved this cut motion, I am certain, would not have come before this Honourable House if he had not made sure of the facts which he was to place before the House. He has levelled charges and as I have said just now they are very serious charges against the head of a Department of showing discrimination against the employees belonging to a certain community which happens to be different from the one to which this particular officer belongs. And let me assure the House that as far as I am concerned I did not even know to what nationality the head of the Department belonged. I do not look at these questions from the point of view of whether a person is a Hindu or a Muslim or a European. If he is guilty of any act which is objectionable he deserves condemnation and he must suffer the consequences. My Honourable friend, Mr. Joshi, said, that this was not the proper forum for discussing a matter of this kind. As long as there is no forum which is better than this, matters of this kind are bound to be discussed on the floor of this House. I do not agree with the proposition that injustice should continue because we might hurt the feelings of certain individuals if we discuss these matters in this House. I would request the Honourable Member in charge, that in view of the serious allegations which a responsible Member of this House has made he should consider this matter most carefully. Mr. Joshi asked what can we do even if this officer were indeed guilty of all that has been stated. I would tell him that a man like that if he is proved to be guilty is not fit to hold the office which he is occupying.

**Mr. N. M. Joshi:** By whom is he proved guilty?

**Nawabzada Liaqat Ali Khan.** On this statement of the Secretary of the Department

**Mr. N. M. Joshi:** But he did not read the whole volume

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member is apparently not giving way

**Nawabzada Liaqat Ali Khan.** My Honourable friend asks by whom he is to be proved guilty. If this House is of the opinion that there is *prima facie* case against that particular officer, it should appoint a committee to go into the matter

**Mr. N. M. Joshi:** You have to make out a *prima facie* case then

**Nawabzada Liaqat Ali Khan:** That is what my Honourable friend the mover has done

**Mr. N. M. Joshi:** No

**The Honourable Mr. M. S. Ansy:** No

**Nawabzada Liaqat Ali Khan.** I notice that even the Leader of the House finds it difficult to forget that he belonged to the Nationalist Party

**The Honourable Mr. M. S. Aney:** A question was asked whether a *prima facie* case was made out or not

**Nawabzada Liaqat Ali Khan.** The Honourable Member was not here. So how can he say whether a *prima facie* case has been made out or not?

**The Honourable Mr. M. S. Aney** I have heard almost three-fourths of the speech of my Honourable friend, the Mover of the cut motion

**Nawabzada Liaqat Ali Khan** I am sure in that one-fourth which he missed a *prima facie* case was made out!

Sir, I was saying that this is a matter which really should not be looked at from the point of view of whether an individual belongs to this or that community. Here are certain people whose cases have been reported and about whose cases an Honourable and responsible Member of this House has made sure

**Mr. N. M. Joshi:** All are responsible

**Nawabzada Liaqat Ali Khan:** I hope so. I can only speak for myself. I cannot speak for Mr. Joshi.

**Bhai Parma Nand:** Is this House a court of justice?

**Nawabzada Liaqat Ali Khan:** I am rather surprised that today, my Honourable friends are getting rather impatient. I have heard speeches, when Honourable Members have accused officers of the Government who happen to belong to a different nationality, of such things in the past, but none of these Honourable Members said anything to the contrary. They were the people who were responsible for making accusations of partiality. I do not see any reason for this impatience, unless it be that the person about whom certain serious allegations are made happens to belong to a certain community. But, that should not really affect our judgment this way or that way, and I can assure Honourable Members present here that if serious charges are brought against any one of the kind that were brought by my Honourable friend, Sir Raza Ali, and by a responsible Member of this House, I would not look at the matter from the point of view whether the person about whom these allegations are made is a Muslim or not. Is it contended by Honourable Members of this House that the privilege of doing justice only belongs to one community or the other?

**An Honourable Member:** Certainly not

**Nawabzada Liaqat Ali Khan:** Then I do not see any reason for this impatience. Let the Government Member in charge get up and put the other side of the picture, if any, before us. As a matter of fact I was hoping that after the Honourable the Mover had made his speech somebody on behalf of the Department would get up and either refute these charges or give certain explanations which may be in their possession. I never expected that Honourable Members of this House who know nothing



about the facts of the case or about the facts related by the Honourable the Mover would get up and start condemning the Honourable the Mover for having brought a motion of this kind. One could have understood the intervention on the part of some of the Honourable Members, after Government had placed their case before this House. But before Government have even said anything everybody gets up and starts condemning my Honourable friend for having brought a matter of this kind for discussion on the floor of this House. As I have stated already, I think it is a serious matter and I hope the Honourable Member in charge will give due consideration to the points raised by the Honourable the Mover of this motion.

**The Honourable Mr. M. S. Aney.** Sir, on a matter of personal explanation, I said "No" only in joke and I did not wish to give any reply to my Honourable friend. My "No" was only in joke, and I do not even want it to be taken as an expression of opinion. I admit that I was not justified in saying anything as I did not hear the speech of the Honourable Member in full.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 10th March, 1942.



# LEGISLATIVE ASSEMBLY

Tuesday, 10th March, 1942.

The Assembly met in the Assembly Chamber of the Council House, at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

## MEMBER SWORN

Mr Evan Meredith Jenkins, CSI, CIE M.L.A. (Supply Secretary)

## STARRED QUESTIONS AND ANSWERS

### (a) ORAL ANSWERS

#### DANGER OF SEA ATTACK ON MADRAS

159 \*Mr Lalchand Navalrai. (a) Will the Honourable Member for Civil Defence be pleased to state if his attention has been drawn to a press note published in the *Hindustan Times*, dated the 18th February, 1942, under the caption 'Danger to Madras' to the effect that with the fall of Singapore there has been some increase in the danger of an attack on Madras from the sea and in order to avoid rush and confusion in the event of an attack any one who has no business to keep him in the city and who intends to leave if the danger becomes acute should leave as soon as he conveniently can?

(b) Is it a fact that the Government of Madras has issued such a *communiqué* or Press note?

(c) If so, what facilities have Government provided for this evacuation such as free transport accommodation, monetary assistance, where necessary and the safeguarding of their property and education of their children? If none why?

(d) Is there any such danger as mentioned in part (a) for Bombay and Karachi ports? If so, what steps are Government proposing to take and what facilities are Government providing for people of these ports?

**Mr N. V. H. Symons:** (a) Yes

(b) Yes

(c) Government read the press note as referring only to persons who are in a position to make their own private arrangements for moving elsewhere

(d) Yes, but not of the same degree or immediacy. It is for the Provincial Governments concerned to decide when and what publicity should be given as regards those who have no duties to perform in them leaving the ports of Bombay and Karachi and as to any measures those Governments propose to take in the matter.

**Mr Lalchand Navalrai** May I know from the Honourable Member what arrangements have been made for those who are not willing to go out but have to go out by force?

**Mr N V H Symons** Sir, that question does not arise at the moment in view of my answer to (d).

**Mr Lalchand Navalrai** Will the Honourable Member please say definitely what arrangements have been made by the Provincial Governments concerned at Karachi, Bombay and Madras?

**Mr N V H Symons** Sir, as I have already said in my answer to part (d), those arrangements and the amount of publicity which should be given to them and when that publicity should be given, is the concern of the Provincial Governments concerned.

**Mr Lalchand Navalrai** May I know from the Honourable Member if the Government of India is going to remain in the dark about these matters until such time as things happen as they are at present happening in Rangoon?

**Mr N V H. Symons** Sir, in these matters the Government of India is not necessarily in the dark, but, as I have already said, the question of when publicity should be given and what publicity should be given is a matter which must be left to the discretion of the Governments concerned.

**Mr Govind V Deshmukh** May I know, Sir, if the arrangement of transport is also a matter of provincial concern?

**Mr N V H Symons** As far as transport within the province is concerned, it is certainly a provincial concern.

**Mr N M Joshi** May I ask, Sir, what the Government of India is doing in the matter of evacuation?

**Mr N V H Symons** Sir, the whole question of evacuation was considered in detail at the Conference of provincial representatives which was held in November last and the Government of India came to certain conclusions and, as I have already said, it has been left to the Provincial Governments to decide when they shall announce what their intentions are. But as regards the Government of India, I may say this much that we have arranged with the Central Provinces Government that they shall provide for accommodation for large numbers of refugees from areas which are more threatened than the Central Provinces.

**Mr N. M. Joshi** May I know whether the Government of India will issue a communiqué telling the public what conclusions the Government have come to?

**Mr N V H Symons** There is no intention of issuing any such communiqué

**Mr Lalchand Navalrai** What is the reason for not issuing a communiqué to inform the people of such arrangements as Government have made?

**Mr N V H Symons** I will refer the Honourable Member to my answer to sub-para (d) of his question

**Mr Lalchand Navalrai** But that is no answer at all I know

**Mr President** (The Honourable Sir Abdur Rahim) Order, order The Honourable Member has given his answer

**Mr Lalchand Navalrai** Does the Honourable Member find any difficulty in asking the Provincial Governments to issue those orders earlier so that people may come to know and have some patience?

**Mr N V H Symons** Sir, there is no advantage to be served in issuing instructions to people until it is time for those instructions to be put into effect

**Mr Lalchand Navalrai** Will it be

**Mr. President** (The Honourable Sir Abdur Rahim) Order, order Next question

#### CENTRAL COMMISSIONERS OF INCOME-TAX IN BOMBAY AND CALCUTTA

160. **\*Sir Abdul Halim Ghuznavi** Will the Honourable the Finance Member be pleased to state under the provisions of what particular section and sub-section of the Indian Income-tax Act, the Central Commissioners in Calcutta and Bombay have been appointed?

**The Honourable Sir Jeremy Ralsman** Under sub-section (2) of section 5 of the Indian Income-tax Act, 1922

#### CENTRAL COMMISSIONERS OF INCOME TAX IN BOMBAY AND CALCUTTA

161. **\*Sir Abdul Hahm Ghuznavi** Will the Honourable the Finance Member please state when the Central Commissioners of Income-tax were appointed for the first time in Bombay and Calcutta, respectively?

**The Honourable Sir Jeremy Ralsman** On the 1st April, 1939, and 1st May, 1941

## CENTRAL COMMISSIONERS OF INCOME-TAX IN BOMBAY AND CALCUTTA

162. \*Sir Abdul Halim Ghuznavi: Will the Honourable the Finance Member please state the names and qualifications of the Central Commissioners of Income-tax in the order of their appointments to date in Bombay and Calcutta, respectively?

The Honourable Sir Jeremy Raisman. A statement showing the information asked for by the Honourable Member is laid on the table

*Statement showing the Names and Qualifications of Officers appointed as Commissioners of Income tax (Central), at Bombay and Calcutta*

Name of the Officer	Date of appointment	Educational Qualifications, etc	Service to which the Officer belongs and date of entry to that Service
(1)	(2)	(3)	(4)
<i>Bombay</i>			
1 Mr J B Bird	1st April, 1939		Indian Civil Service (1st November, 1928)
2 Mr K R K Menon, MBE	17th November, 1939	No M A, B L	Military Accounts (17th May, 1924)
3 Mr P C Padhi	25th February, 1941	M A	Indian Audit and Accounts Service (19th April, 1927)
<i>Calcutta</i>			
1 Mr N Dandekar	1st May, 1941	B Sc, B Com (Lond), A C A, A S A A	Indian Civil Service (18th October, 1931)

## CENTRAL COMMISSIONERS OF INCOME-TAX IN BOMBAY AND CALCUTTA

163. \*Sir Abdul Halim Ghuznavi. Will the Honourable the Finance Member please give the following information in respect of the period from the date of the creation of the posts of Central Commissioners of Income tax to the 30th November, 1941, in Bombay and Calcutta, respectively

- (a) how many assessment cases were transferred to the Central Commissioner of Income-tax,
- (b) how many of the cases so transferred were cases of Indian assesseees and how many of European assesseees, respectively,
- (c) how many of such cases of Indians were cases of partnership firms, limited liability companies, individuals and joint families, respectively,
- (d) how many of such cases of Indians were fresh assessment cases and how many re-opened after assessment were completed,

- (e) of the total number of cases so transferred how many had been assessed and completed by the Central Commissioner on or before the 30th November, 1941, how many were still pending on that date and what was the average length of time taken for each assessment case, and
- (f) in such cases as were pending not assessed on the 30th November, 1941, what was the estimated total of assessment involved?

**The Honourable Sir Jeremy Raisman** A report has been called for and a reply will be laid on the table of the House in due course

**164\*—165\*. Maulvi Muhammad Abdul Ghani** Sir, I don't want to ask these questions There is no necessity

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member doesn't want to ask any of the two?

**Maulvi Muhammad Abdul Ghani.** Yes, Sir There is no necessity

#### MALAYANS IN INDIA

**166 \*Mr Muhammad Azhar Ali** (a) Will the Honourable the Home Member please state the number of Malayans in India?

(b) How many of them are receiving education in recognised institutions?

(c) Are Government aware that the Malay students cannot get any money from Malay Peninsula?

(d) Are Government considering the giving of some financial relief to such students?

**The Honourable Sir Reginald Maxwell** (a) and (b) Government have no information

(c) and (d) Government have received applications from 35 Malayan students who are studying in India The question of assisting them is under consideration

#### MOTIONS FOR ADJOURNMENT

**Mr. President** (The Honourable Sir Abdur Rahim) I have received notice of motions for an adjournment of the business of the House from three Honourable Members, but as this House has finally to dispose of the Demands for Grants which must begin at five of the Clock, I propose to take them up tomorrow I shall waive the question of urgency for one day

#### ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF SUPPLY

**Mr. President** (The Honourable Sir Abdur Rahim) I have to inform the Assembly that up to 12 Noon on Saturday, the 7th March, 1942, the time fixed for receiving nominations for the Standing Committee for the Department of Supply, five nominations were received As the

[Mr. President]

number of candidates is equal to the number of vacancies, I declare the following five non-official Members to be duly elected to serve on the Committee, namely

- (1) Mr Husenbhai Abdullahhai Laljee,
- (2) Sir Abdul Halim Ghuznavi,
- (3) Mr Saiyid Haidar Imam,
- (4) Pandit Nilakantha Das, and
- (5) Sir Henry Richardson

## THE GENERAL BUDGET—LIST OF DEMANDS—*contd*

### SECOND STAGE—*contd.*

#### DEMAND No 38—ARCHÆOLOGY

*Hardship and Discrimination to which Muslim Officials are subjected in the Department—contd*

**Mr President** (The Honourable Sir Abdur Rahim) I think, the Honourable the Education Member wanted to reply to the debate

**The Honourable Mr N R Sarker** (Member for Education, Health and Lands) Sir, in recent years the Archaeological Department has been in for a good deal of criticism, criticism not directed to the policy and work of development of archaeology, but mostly complaints on the score that the policy of the Department and, particularly, its Director General, is to discriminate against the Muslim officers and to treat them unfairly. The Honourable Member who has moved this motion has not made any grievance on the score of piquety of Muslims in the Department. On this aspect of the subject, Honourable Members would I think, like to have some idea of the background in order to have a clear grasp of the implications of the motion. This is all the more necessary because some Honourable Members on both sides, have quoted divergent figures that are likely to create confusion. From the figures I shall presently place before the House Honourable Members will see that there should be no grievance at least on the score of numerical deficiency of Muslim officers, the sort of grievance which is generally urged by such out motion as this.

In Class I of the cadre, the strength is 17, out of which two posts are vacant. Of the remaining 15, nine posts are held by Hindus, five by Muslims and one by a European, so that the Muslim percentage in class I posts is 33. If we strictly apply the communal ratio formula, then two out of these 15 posts should go out of the scope of the communal ratio.

**Sir Syed Raza Ali** (Cities of the United Provinces Muhammadan Rural) I do not want to interrupt the Honourable Member, but may I point out that the Government of India Resolution does not fix any maximum? It relates only to the minimum.

**The Honourable Mr N. R. Sarker:** I am not saying that. I am merely putting before the House the exact position as it stands today.

**Sir Syed Raza Ali:** I beg your pardon, I see



**The Honourable Mr. N. R. Sarker:** So in class I posts, on a liberal interpretation of the communal ratio formula, the Muslims have got 33½ per cent. But if the two posts for which knowledge of Sanskrit and Prakrit is necessary and which are outside the communal ratio rules are taken out, then the Muslim proportion in class I posts stands at 38.5 per cent.

So far as class II posts are concerned, there are only two posts and both the posts are held by Muhammadans.

In the subordinate posts, there are 100 posts within the scope of the communal ratio rules, and of these 100, 32 are held by the Muslims—i.e. 32 per cent.

On this showing, I think those who have got the interests of the Muslim community at heart will be convinced that their position in the Archaeological Department staff is not unsatisfactory—rather it is well protected.

But Sir Raza Ali's complaint is not on the paucity of Muslims in the services, but that, when in service, Muslims do not receive fair treatment, and there has been discrimination against Muslims in promotion and treatment. In support of this contention, he has put forward some examples. I must at once say that my examination of these few cases would appear to lend some support to the view that in one or two cases the administration has not been quite as efficient in the discharge of its responsibility as one would expect. But when the Honourable Member goes further and seeks to read into all these cases signs of communal bias I think the Honourable Member takes up a position that is not tenable.

I looked into the cases mentioned by him and found that with only one exception, all the cases had come under the review of Government at some stage or other, and only on two occasions it was found necessary to revise the Director General's decision. In no case it was for discrimination against Muslims. Sir Raza Ali and other speakers who have spoken in support of this motion have not been able to make out a case on the charge of communal bias.

I shall now deal with the examples which the Honourable Member has given and also explain my position. First let me take the case of the Archaeological Chemist. The present incumbent of the post was due to retire in November, 1941, and in good time before that the question of a successor was taken up by the Department. In view of the highly specialised nature of the work, it was felt that whoever was selected to succeed him would have to be trained for a year or even more. It was decided to reserve the post for a Muslim, as, though it was a technical post, it is included in the class I cadre. The necessary qualifications for the post were drawn up in consultation with the present Archaeological Chemist, a Muslim officer, and the Federal Public Services Commission issued an advertisement in June, 1941. In October, 1941, the Commission wrote saying that after considering seven applications received, they found that no one possessed the requisite minimum qualifications. It was not possible to accept the Commission's suggestions either to abandon the recruitment or to modify the qualifications. As I have said, this is a highly technical post, and any lowering of the qualifications would have produced an adverse effect on the conservation of monuments, and with the concurrence of the Home Department the post was re-advertised unreserved.

**Sir Syed Raza Ali.** May I ask whether the Public Service Commission came to that conclusion in consultation with the Director General of Archaeology or independently on their own judgment?

**The Honourable Mr N R Sarker:** The Director General of Archaeology was not consulted, but the Archaeological Chemist and Dr S S Bhatnagar were consulted and they advised them on the merits of the applications. It was, therefore, decided to re-advertise the post as unreserved, but the essential minimum qualification remained unchanged. The Federal Public Service Commission issued a second advertisement in November, 1941, and the difference between this advertisement and the previous one was that the words 'only Muslims eligible', which appeared in the first advertisement, were deleted from the second. I will read out both the advertisements, because Sir Raza Ali remarked that in the second advertisement the qualifications were lowered. The first advertisement read

"Applications are invited for the post of Officer on Special Duty under the Archaeological Chemist in India. Only Muslims eligible. Age between 25 and 35 except for persons already employed in the Archaeological Survey of India, Class II. Pay (i) Direct recruits—300—325, (ii) for permanent Government servants—Rs 300—680. Qualifications—(i) M Sc or Doctorate degree of an approved University, (ii) Practical work in Petrology, (iii) Experience in analysis of silicates and alloys and in the cleaning and preservation of antiquities and museum exhibits. Full details may be obtained from the Secretary, Federal Public Service Commission, Delhi. Last date for receipt of applications on prescribed form, together with Treasury Receipt for Rs 780,—28th July, 1941."

I now read the second advertisement

"Applications are invited for the post of Officer on Special Duty under the Archaeological Chemist in India. Age between 25 and 35 except for persons already employed in the Archaeological Survey of India, Class II. Pay (i) Direct recruits—Rs 300—325, (ii) for permanent Government servants—Rs 300—680. Qualifications—(i) M Sc or Doctorate degree of an approved University, (ii) Practical work in Petrology, (iii) Experience in analysis of silicates and alloys and in the cleaning and preservation of antiquities and museum exhibits. Full details may be obtained from the Secretary, Federal Public Service Commission, Delhi. Last date for receipt of applications on prescribed form, together with Treasury Receipt for Rs 780,—22nd December, 1941."

Honourable Members will see that except for the words "only Muslims eligible" and the date for receipt of the applications, the two advertisements are practically the same. So there is no foundation for Sir Raza Ali's contention that in the second advertisement the qualifications of the candidates were lowered. The House will observe that my friend, Sir Raza Ali's impression, that when advertising the post the qualifications were lowered is not correct. I should also point out that there was no bar to the Muslim candidates applying for the 'unreserved' post. There was no intention, whatsoever, of shutting out qualified Muslim candidates.

Next, let me take the case of Dr Chakravarti, the Officiating Deputy Director General of Archaeology. It has been suggested that there was something wrong about Dr Chakravarti's appointment as the Deputy Director General. It is said that he is a specialist and in the past no such specialist was appointed to this post. Dr Chakravarti is an Epigraphist, and Epigraphy forms as much an essential part of Archaeology as conservation or excavation. He is not a technical man in the sense that an Archaeological Chemist is. I understand in the past one Epigraphist acted as Director General, and the present Director General for a time acted as Epigraphist. Moreover, the Epigraphist is the head of a branch of the

Archæological Department, and has under him, among others, a Superintendent and an Assistant Superintendent. He has thus administrative duties to perform. The duties of Deputy Director General are mainly administrative, and after considering the claims of all eligible persons, Dr Chakravarti was selected by the Department, and not by the Director General, as the most suitable officer for the post. I may mention that the only Muslim Officer senior to Dr Chakravarti is one Mr Khan, and he has been held up at the efficiency bar for some time. To prevent a misunderstanding I may also add that Mr Khan's memorial was recently considered by the Federal Public Services Commission, and they have given the opinion that Mr Khan was rightly held up at the efficiency bar.

**Sir Syed Raza Ali** Is that Mr H H Khan?

**The Honourable Mr. N. R. Sarker** I think so. The appointment of Dr Chakravarti to act as Deputy Director General did not, therefore, involve the supersession of any qualified Muslim officer senior to him, and the circumstances will, I trust, clearly show that it was not actuated by any communal bias whatsoever.

Then, Sir, I come to the cases of Dr Nazim and Mr Srivastava. It has again been alleged that Dr Nazim, who is senior in service, was superseded by Mr Srivastava. I find from the list of officers that Dr Nazim entered the Department on the 29th August, 1929, and Mr Srivastava on the 19th October, 1929, that is, Dr Nazim is senior to Mr Srivastava in service by one month and 20 days. At the time when the question of confirmation of Dr Nazim as Superintendent arose in 1937, there were two vacancies in the Superintendent's grade. Dr Nazim's confirmation was withheld by Government, and not by the Director General, for valid reasons, but there was then no ground for withholding the confirmation of Mr Srivastava, who had handled a difficult circle with success. Mr Srivastava was, therefore, confirmed earlier than Dr Nazim, and this was Government's decision, and not of the Director General.

**Mr Muhammad Nauman** (Patna and Chota Nagpur *cum* Orissa Muhammadan) May I know if the Government's decision was taken in consultation with the Director General or it was taken quite independent of him? Has he expressed any opinions about it?

**The Honourable Mr. N. R. Sarker** I think he has, but I do not know. It was Government's decision. I have looked into the papers, and I find it was decided by the Honourable Member in-Charge himself.

Then, another question was raised about the differentiation between an M A and a matriculate. Sir Raza Ali referred to an M A in History being superseded by a matriculate. The fact is that the Muslim clerk, who has a degree of M A, passed only the routine division examination in 1925, while the Hindu matriculate had passed the second division examination in 1922. For the benefit of Members of this House who may not be used to the Secretariat jargon, I may explain that there are three main grades in the ministerial establishment—(i) Assistants or first division, (ii) second division, and (iii) routine. Till recently there used to be a separate examination for all three divisions. Now, a person who starts in the routine division, that is, in the lowest rung, naturally takes longer to work up to the first division, than a person who starts in the second division. I do not know why the Muslim candidate who has

[Mr N R Sarker]

high academic qualifications did not take a higher division examination. I may also state that appointment to Assistant's post is made by selection. Academic qualifications are looked at to judge the capacity of a man, but a more relevant consideration at that stage of service is that of a person's work. In this particular case when the selection was made, the two candidates concerned had put in 10 to 15 years' service, and there was sufficient material.

**Sir Syed Raza Ali:** Is it not a fact that the Muslim candidate was four years senior to the Hindu candidate? Mr Yasin was four years' senior. His service was 15 years 3 months, while the other man had only 11 years and 3 months' service.

**The Honourable Mr N R Sarker:** May be so. Let me come to the end. The Muslim candidate had cast his lot on the accounts side where there is an allowance of Rs 30 attached to the Cashier's post which he had been drawing for some years, while the vacancy was one of a noting Assistant, and as the Hindu candidate was judged to be more suitable, he was promoted. As soon as there was a vacancy in the first division in the accounts side, the Muslim candidate was promoted where he has been confirmed.

Then about the unfortunate case of Dr Puri. Dr Puri's case has been cited as an instance of discrimination against the Muslim. In particular, it has been suggested that Dr Puri has been very leniently dealt with compared to Mr Kuraishi who was removed from service for a similar offence. I do not wish to wash duty liner in public, but I may explain to the House that Mr Kuraishi was punished on two occasions on the advice of the Federal Public Services Commission, and on the second occasion he was removed from service for being 'found guilty of a serious offence involving grave moral turpitude'. The punishment in the first instance was inflicted as far back as 1928. Proceedings in the case which led to his removal from service were initiated by the former Director General, and not by the present Director General.

**Dr P N Banerjee** (Calcutta Suburbs Non Muhammadan Urban) **Sir John Marshall:**

**The Honourable Mr N R Sarker:** Perhaps Mr Blakiston.

**Sir Syed Raza Ali:** Rai Bahadur Dayaram Sahni.

**The Honourable Mr N R Sarker:** In any event, his case affords no parallel to Dr Puri's case, and it cannot be cited to prove communal bias on the part of the present Director General, although I freely confess that he dealt with Dr Puri with unjustifiable lenience which, as the House knows, had to be subsequently corrected by Government in consultation with the Commission.

**Maulvi Muhammad Abdul Ghani** (Tirhut Division Muhammadan) What was the offence committed by Dr Puri?

**The Honourable Mr N R Sarker:** He made a false claim in respect of travelling allowance.

Regarding the subsequent episode connected with Dr Puri's application for a higher post in the Department, I cannot disclose all the facts at

this stage, as the matter is still under consideration of Government in consultation with the Commission, but I shall not disguise the fact that an examination of the circumstances has left me with the impression that the Director General has committed in unfortunate error of judgment in this case but there is no justification for accusing him of any communal bias. I may assure Honourable Members that in filing up the post in question, I shall bear in mind all the circumstances which have come to light.

Now, regarding the recruitment of a photographer draftsman in 1940 referred to by my friend, I have fully examined the case and without wearying the House with details, I admit that there was an unjustifiable error of procedure on the part of the Director General, which was subsequently rectified by the Government, but the circumstances did not disclose any communal bias on his part.

Then I come to the last example cited by Sir Syed Raza Ali. A charge has been made of differential treatment, on a communal basis of appeals coming up to the Director General from the Frontier Circle. It has been said that the appeals of two Muslims against stoppage of increments were disallowed by the Director General of Archaeology, while the increments of a Hindu were allowed with retrospective effect. I find from the files that the appeals of three Muslims, not two, were rejected by the Director General. Increments in these cases had been stopped by the Circle Superintendent in connection with estimates, brought to light in some cases by audit objections. The stoppage of increments in one case was by the order of Mr. Blakiston, the predecessor of the present Director General. The appeals were examined by the Director General and rejected on their merits. Sir Raza Ali has not entered into the merits of the individual cases. To support his accusation of discrimination he relies on the mere fact that the appeals of the Muslims were rejected while that of the Hindu was allowed. The House will, therefore, be surprised to learn that no appeal from a Hindu in the Frontier Circle on a matter of this kind was ever received or disposed of by the Director General, and the whole case that my Honourable friend has sought to found upon this incident, therefore, falls to the ground.

**Sir Syed Raza Ali** Ma, I enquire from the Honourable Member whether the increment of any Hindu employee was stopped, and, if so, what happened to that case?

**The Honourable Mr N. R. Sarker** I cannot reply as the Honourable Member has not given actual facts.

**Sir Syed Raza Ali** I did not mention the name, that is true.

**Mr Muhammad Nauman** As the Honourable Member has found that the Director General has been continually making erroneous judgments, what are the Government proposing to do with him?

**The Honourable Mr N. R. Sarker** Not continually, but only in two cases we found error of judgment.

(Interruption by Mr Muhammad Nauman)

I can assure Honourable Members that I am as anxious as any of them that all persons serving in the Archaeological Department, irrespective of their caste or creed, should be treated with justice, fairness and

[Mr N R Sarker]

impartiality, and, what is more, they themselves or members of their community should feel that they are being treated accordingly. I fully realise that efficiency of the Department largely depends on the contentment of the staff and I yield to none in my anxiety to foster that spirit and to see that no ground is ever given for the feeling that the decisions in personal cases are influenced by any consideration other than their merits or demerits. At the same time, I would like to remind Honourable Members that there are disgruntled members in every service who, in order to cover up their inefficiency and to serve their selfish ends, do not hesitate to raise the communal bogey. And if constantly some people begin to imagine a fierce tiger in every tiny bush or insist on giving an unwarranted communal twist to every incident, the Honourable Members of this House owe it to themselves, in view of the larger interests involved, that they should exercise their chastening influence over such tendencies. Else, these are bound to grow and spoil the very atmosphere which is essential for the maintenance of the morale of the staff and the smooth and efficient working of the administration itself. I would, therefore, earnestly request Honourable Members to suspend their judgment on the allegations made to them in a particular case until every opportunity has been given to the Government to investigate the matter fully. To err is human. The Director General may have committed an error or two in administration. But I can assure the House that such errors did not proceed from any communal bias. He is fully aware of the policy of the Government that, as between the claims of different communities, it is his duty to keep the scales even. I trust that the Muslim community will have no cause for any legitimate grievance on this score in future. If any such instance of unfair treatment is brought to my notice, it will receive my closest attention, and if I am convinced that any injustice has been done, I shall take appropriate action forthwith to redress it. In the past, whenever mistakes of administration have been brought to the notice of the Department,—I think my Honourable friend, Sir Raza Ali, himself, admitted on another occasion—the Department has shown every readiness to reopen the case and enquire into it, sometimes with the help of the Federal Public Service Commission, and in some cases, I believe, matters have been put right. My Honourable friend, Sir Syed Raza Ali, and other Honourable Members have undoubtedly served the public interest in bringing these cases to our notice and I am grateful for it.

I hope that my explanation of things that happened in the past and my assurances for the future will satisfy Honourable Members of this House, and they will treat this chapter of complaints against the Archaeological Department as definitely closed. Let me also hope that none of them hereafter will be persuaded to return to the charge unless there is sufficient cause for it.

**Sir Syed Raza Ali:** In view of the extremely conciliatory and promising speech made by the Honourable Member in charge, I do not think I would be justified in asking for a division. I would, therefore, beg leave of the House to withdraw my cut motion.

**Mr. President** (The Honourable Sir Abdur Rahim) Has the Honourable Member leave of the House to withdraw his motion?

**Several Honourable Members:** Yes, yea

The motion was, by leave of the Assembly, withdrawn

#### DEMAND NO 48 — CIVIL VETERINARY SERVICES

**The Honourable Sir Jeremy Raisman** (Finance Member) Sir, I move

"That a sum not exceeding Rs 9,43,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Civil Veterinary Services' "

**Mr. President** (The Honourable Sir Abdur Rahim) Motion moved

"That a sum not exceeding Rs 9,43,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Civil Veterinary Services' "

*Inadequate Representation of Muslims in the Services of the Imperial Institute of Veterinary Research especially in the gazetted Ranks*

**Mr. H A Bathar H. Essak Sait** (West Coast and Nilgiris Muham-madan) Sir, I beg to move

"That the demand under the head 'Civil Veterinary Services' be reduced by Rs 100 "

This Institute is one of the very useful research institutions which the Government of India are maintaining. It is tucked away in some unknown part of the Naini Tal Hills. The headquarters are situated at Mukteswar and it has a branch at Izzatnagar. The Institute is serving a very useful purpose in that it carries out very important research work in all branches of veterinary science. The taxpayer is spending about Rs 9 lakhs on this institute and, in my opinion, the whole of that amount is well spent. Out of the Rs 9 lakhs spent on this institute, I find that there is a recovery of about five lakhs from the sale of serum and such like medicines. But, unfortunately, in common with all the other Departments of the Government of India, we the Mussalmans have the same complaint with regard to this Department also—that both in the higher service and in the lower service the Mussalmans do not get adequate representation. Out of the Rs 9 lakhs spent on this Department about 50 per cent is spent on the salaries and allowances of officers and other members of the establishment. That is a considerable amount and we are sorry to see that sufficient percentage of it does not go to the members of the Muslim community. This matter was first brought to the notice of the public, I believe in 1937, by a letter that appeared in the *Eastern Times* in November of that year. In that letter it was pointed out that out of 24 Gazetted officers then existing in this Department, only four were Muslims, and in non-Gazetted services the position was still worse. Of the 55 such officers, excluding dressers of course, the Muslims were only six. The cadre of dressers has been excluded, I have to explain to the House, because the duties of the dressers are such that non-Muslims generally do not like to take them up. Therefore, excluding this cadre, as I stated before, out of 55 non-Gazetted officers then existing only six were Muslims. On account of this state of affairs, representations were made to the Member in charge and the matter was taken up in this House. The Bareilly Muslim League also moved in this matter. Questions were asked and I believe the first question that was asked, was by our Deputy Leader, Syed Ghulam Bhik Nairang, in 1938. In reply to that question, it was for the first time brought out that so far as the technical posts in this Department go, the famous Home Department Resolution concerning the representation of minorities is not applied. This came, I may

[Mr. H. A. Sathar H. Essak Sait]

say, as a surprise. Unfortunately, the matter could not be pursued then, because the answer was not given on the floor of the House to Syed Ghulam Bhik Nairang but it was placed in the form of a statement on the table of the House later. So, the matter was again agitated by questions and the facts that have been disclosed are rather distressing because in answer to Mr. Umar Ali Shah's question No. 130 it was stated on the 27th November last that out of the total number of 38 Gazetted officers only five are Muslims. This certainly is a deterioration from the state of affairs that existed in 1937 and which was depicted in the letter which appeared in the *Eastern Times*. I very humbly call the attention of the Honourable Member in charge to this deterioration which has taken place in spite of the watchful efforts of the Members of this House and in spite of the correspondence that Mr. Tyson had with Dr. Sir Ziauddin Ahmad and Nawabzada Liaquat Ali Khan. Both in the House and in the correspondence Mr. Tyson expressed the Department's anxiety to get as many Mussalmans in this Department as possible and he also said that the Government were aware that the proportion of the Muslims was not which it ought to be. Still, in spite of all this and in spite of the work that has been done, the position is that today we are much worse off than we were in 1937.

Coming to the details, I find that in this Department particularly the Home Department Resolution is ignored at many stages. In common with other Departments of Government of India it is not applied when the question of promotions is taken up. But in the case of this Department it is not only in matters of promotion that the Home Department Resolution is ignored but even in the matter of first recruitment for technical posts this Resolution is not taken into account at all. That is to say, no posts are reserved for Muslims or minorities when the recruitment is for technical branches. Sir in a technical department, especially in an institute of this kind, it is to be taken for granted that all the higher appointments must go to technically qualified people and if in such a department no reservation is to be made, I do not know when and how this percentage which has been fixed for Muslims and minorities is going to be filled up. It is only this department that makes this distinction. In answer to my friend, Sir Syed Raza Ali, just now, the Honourable Member quoted the instance of the Archaeological Department and he read out advertisements (I have got copies of them with me) where posts requiring very high qualifications were reserved for Muslims. He read out two such advertisements and that proves that in other Departments the Home Department Resolution is given effect to. But, for reasons best known to Government, they have repeated in answer to ever so many questions that they do not reserve technical posts for Muslims in this Department. In this connection, I can do no better than quote one or two sentences from a letter that Nawabzada Liaquat Ali Khan had occasion to send to Mr. Tyson. In that letter he said

'The chief cause of the lower percentage, as stated by Government, is that technical posts are excluded from communal representation.'

Further on, he made this request

'In view of the above, it is hoped that you will kindly take necessary steps to bring up the total percentage of appointments in these two classes to 25 and issue necessary instructions to the Federal Public Service Commission to select and recommend for appointment the names of Muslim candidates who possess the necessary



qualifications for these posts notwithstanding the fact that there are other non-Muslim candidates who, in the opinion of the Public Service Commission, are better qualified because if the appointments are always made in accordance with comparative merits of candidates then the reservation of places in the services for Muslims and other minorities has no meaning. What the Government should do in making the appointments to maintain communal proportion is to make sure that the candidate possesses the necessary qualifications that are required to fill up a certain post and not that he is better qualified than all the other candidates. It is only in that way that the Muslims and other minority communities can secure their due representation in the services as promised to them under the Home Department Resolution to which a reference has been made above."

Now, Sir, I come to the extra qualifications that some of the non-Muslim candidates are stated to possess and for which reason they are preferred over the Muslim candidates. Here the position is very peculiar. The extra qualification which the non-Muslim candidates are supposed to possess is generally said to be "experience", the academic qualifications being the same. The non-Muslim candidate happens to have experience and that fact is brought against the Muslim candidate. I request the Honourable Member to go thoroughly into this matter and find out how it is that a Hindu candidate happens to possess experience while the Mussalman does not. So far as my investigation into the matter goes, the mystery is solved in this way. I believe the Honourable Member will not be surprised to learn that in most of the cases, the extra advantage of experience was picked up in the Institute itself by the help given to such candidates to fill up officiating vacancies. I should like the Honourable Member to compare the number of non-Muslim with Muslim subordinates who were given facilities to act in officiating vacancies. That will certainly solve the mystery about this question of experience. That is one way how non-Muslims get preference over Muslims. Then, Sir, it has been elicited that certain appointments have been made even without reference to the Public Services Commission. Then, there are cases where the recommendations of the Public Services Commission in favour of Muslim candidates have not been accepted. I have got concrete cases and I am going to cite them. I have got here a statement of very recent cases, and it will be very easy for the Honourable Member to investigate and find out the truth. In 1940, there was a selection for a physiological chemist. My information is that one Muslim who possessed better qualifications than other candidates and had also experience, when applied for the post, was passed over and a non-Muslim with lower qualifications was favoured for selection, even though the Muslim candidate was recommended by the Public Services Commission.

Then there was the case in 1940 where two posts in Class II were converted into Class I posts and appointments made thereto were not made after reference to the Public Services Commission at all. The incumbents of Class II posts were appointed for Class I posts also, without any reference to the Public Services Commission at all. My complaint therefore is that those Muslims who were qualified for these posts were precluded from applying because these posts were not advertised and the Public Services Commission was not asked to select suitable candidates. In 1941, there were two appointments made. One was of a Veterinary Officer at Mukteswar and the other was an Assistant Research Officer, Entomology. With regard to the Veterinary Officer Mukteswar, the post was filled up, as far as my information goes, by a non-Muslim though he did not possess any better qualifications than the Muslim applicant. The unfortunate part of it was that this Muslim applicant was

[Mr H A Sathar H Essak Sait]

not even called for interview I do not know how these selections are made without calling for interview, when there are candidates of equal merit

**The Honourable Mr N. R. Sarker:** Was that done by the Public Services Commission?

**Mr H A Sathar H. Essak Sait:** Yes, it is the Public Services Commission I do not understand why when candidates of equal merit and equal qualifications put up their applications, a particular candidate should be selected even without giving an opportunity to other candidates for interview so that they could express personally to the selecting authority their abilities and thus give an opportunity to the selecting authority to compare the merits of the various candidates With regard to the appointment in the Entomological Section, that was also in 1941 A Muslim with a Doctorate degree in the line applied for the post, but a non-Muslim with lower qualifications was selected This is happening irrespective of the fact that the Government go on assuring us, and Mr Tyson goes on assuring us, that Government realise that in this Department the Muslims do not have the percentage that they deserve It is possible that my Honourable friend might make a great display of the fact, as disclosed in his answer to my question of 6th March last year, that a Muslim who was second in the list of recommendations of the Public Services Commission was preferred for an appointment in Class I post He said that I would request him to enquire into the facts a little more deeply and say what happened to the gentleman who was first in the list, whether that gentleman was refused the post at all or whether he was employed very soon after

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member has two minutes more

**Mr H. A. Sathar H Essak Sait** I shall finish soon, Sir My point is that the gentleman who was first in the list was at once given another post Therefore, to say that this was a concession to the Muslim candidate is not at all true I have got a long list of cases, there is very little time for me to refer to all of them In other branches of the service, the position is the same

I shall refer to the Veterinary Inspectors Branch which happens to be a very important branch and with this I shall conclude my speech This branch seems to be the stopping stone to all higher posts It has been disclosed in answer to a question that out of 11 Veterinary Inspectors, not a single Muslim has been made permanent They are all acting in the appointments, the Muslims are all placed there in an acting capacity so that they can never get a chance of going up

I am sorry my time is over I wanted to raise other questions My object in moving this cut motion is that in that Department, the Muslim position is completely ignored My complaint is not against the particular officer in charge The Director seems to be a gentleman from overseas That gentleman possesses high technical qualifications, and all that He is in charge of very big technical matters Unfortunately these matters are left perhaps to the Personal Assistant or perhaps to the

Head clerk I do not know who is in charge of all these matters. Therefore it behoves the Honourable Member in charge to look into these matters minutely and see that no injustice is done. Sir, I move

**Mr. President** (The Honourable Sir Abdur Rahim) Cut motion moved

"That the demand under the head 'Civil Veterinary Services' be reduced by Rs 100"

**The Honourable Mr N R. Sarker**, Sir, I can assure the Honourable Member that I shall look into all the cases about which he has made a grievance. I am new to the Department and I do not exactly know the position in all the cases. But I want to remove one misunderstanding from my Honourable friend's mind. He said that we had not in this Department given effect to the Home Department Circular regarding communal proportions. In the Home Department Circular it is specifically mentioned that the Imperial Institute of Veterinary Research, and the sub-stations should be excluded from the communal ratio rules. So, it is not correct to say that the Home Department Rules have not been given effect to in this Department.

**Mr H A Sathar H Essak Sait** Is it only the Institute that is excluded?

**The Honourable Mr N R. Sarker** And the sub-stations also.

Sir, I will be able to make a statement on the general position as it is today, and my Honourable friend may judge from what I say how far the interests of Muslims are protected in that Department. The communal composition of the staff of the Veterinary Research Institute has been constantly under review of the Government. I trust I shall be able to satisfy the House that the Government are doing and will continue to do what they can to rectify the communal mal-adjustments without seriously impairing the efficiency of the Research Institute. First of all, let me deal with non-gazetted staff to which the Home Department Rules regarding communal proportion applies in regard to vacancies filled up by direct recruitment. On 1st January, 1941, the proportion of Muslims in that category was 22.4 per cent, which is very near the prescribed proportion of 25 per cent. This shortage is no indication that we have not strictly observed the communal reservation rules, for they apply only to direct recruitment to vacancies and not to the entire establishment. The proportion of the entire establishment is 22.4.

**Mr H. A. Sathar H. Essak Sait** Does that include dressers also?

**The Honourable Mr. N R. Sarker** I cannot say.

In fact the model rotation prescribed by Government is strictly followed in filling up the vacancies and therefore there cannot be any justification for complaint regarding the non-gazetted staff.

I now come to the superior staff. I would first of all remind the House that the class I and class II posts which constitute such staff are outside the scope of the communal reservation rules on account of the high technical qualifications required for most of them. But here also the position is not so bad as some of the Honourable Members might think. On the superior staff there are 40 appointments of which two are vacant. Of the remaining 38, eight are held by non-Indians, either recruited in

[Mr N R Sarker]

England or recruited in India. So the strength of the Indian officers is only 30, and of those 30 posts held by Indians, five are held by Muslims. In other words, despite the fact that the communal reservation rules do not apply, the number is only one short, because if the communal reservation rules had applied to these cases they would have got six out of 80. The Muslims are only one short of what they would have been entitled to, had these rules been applied to these posts.

**Mr. H A Sathar H Essak Sait** Should it be out of 30 or out of

**The Honourable Mr N R. Sarker.** The percentage applies to the Indian posts, the European recruitment is outside the communal ratio rules. I trust the House will agree that in a research institution like this national interest requires that only persons with the highest qualifications should be appointed to hold the superior scientific posts. Notwithstanding this Government have in recent years reviewed the entire position, and to improve the communal representation they have decided that in filling up such vacancies Government would reserve the right to appoint a Muslim in preference to the first choice of the Federal Public Service Commission provided a Muslim is included in the list of candidates recommended by the Commission. In pursuance of this decision a Muslim candidate was recently appointed to a class 1 post of Pathologist at the Institute though he was not the Commission's first choice. This case was mentioned by my Honourable friend, the Mover of the motion. You will agree that Government cannot go further than this, particularly as contrary to popular belief, difficulty has in the past been experienced in getting persons with the requisite qualifications and experience, even though the communal reservation rules were not applied. I can assure the House that in implementing the recent decision of Government, Government will not interpret it too rigidly, subject to the overriding considerations of efficiency and national interest.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions Muhammadan Rural) Sir, I am sorry I have to stand up and say something on this cut motion. I find that a new Member of Government has been asked to reply to a very important question, he said that being new to his office, it would not be possible for him to reply satisfactorily to the charges made. It was easy for Government to put up some one else who was in a better position to reply to this motion. It is easy to talk about error of judgment and error of procedure, etc., but after all we on this side of the House have been able to establish certain facts and those facts my friend himself has admitted today. In these circumstances, I request Government to make a searching inquiry into these things. It is said that before the Public Services Commission some people have to go to clear up questions between two candidates, but why should a non-Muslim be sent to settle questions when a Muslim can be sent to settle the matter with the Public Services Commission? Our complaint is that whenever there are any chances, they are taken against us and, therefore, our complaint should not go unheeded when we represent our case before Government fairly, clearly and graphically. I do not want to say much more on this subject, but it seems to me that it is this particular

department against which we seem to have got several complaints. My Honourable friend, Sir Raza Ali, had a complaint against the Honourable Member's department, and I appeal to the Honourable Member to look into these cases. It is easy to say that such individual cases should not be brought forward on the floor of the House but I would remind the House, how it was possible that in the highest forum in England, in the House of Commons, Hastings was impeached by Burke and others. If those could be discussed in Parliament why should we not be allowed to discuss these things in this forum? It is the duty of Honourable Members of Government to look into these cases and find out the real facts.

**Dr. P. N. Banerjee:** That is just what he has promised to do.

**The Honourable Mr. N. R. Sarker:** What is the shortcoming in my statement?

**Mr. Muhammad Azhar Ali:** I appreciate the Honourable Member's statement that he will look into them. But when we bring these matters before the House, why should my friends say that these are not matters to be brought forward here?

**The Honourable Mr. N. R. Sarker:** I have not said that.

**Mr. President (The Honourable Sir Abdur Rahim):** That matter is not before the House now.

**Mr. Muhammad Azhar Ali:** My friend has shown today that it is by a clear door that officiating chances are given to certain members of the service, i.e., when you give a chance to a man once, twice and thrice, it is awful to come and say that because he has had experience he has got these chances. These are dodges which I hope Government will not adopt in future. Next, when the matter comes up before Government it must have a note from the highest official of the department and it is that on which Government decide. I would therefore suggest that after the note from the highest official of the department comes up to the Honourable Member he should go through the whole case from beginning to end and see himself that justice is done.

**Nawabzada Muhammad Liaqat Ali Khan (Rohilkund and Kumaon Divisions, Muhammadan Rural):** Sir, I am not going to take more than two minutes. The Honourable Member in charge has promised that he will look into this matter and I hope he will consider duly all the cases brought to his notice. I only wish to point out to him that his mathematical calculations were not correct. As a matter of fact it should have been the function of my Honourable friend, Sir Ziauddin Ahmad, to have pointed out this to the Honourable Member. However, I think it would be wrong if any mathematical miscalculation were entered in the proceedings of the Assembly, while the Honourable Dr. Sir Ziauddin Ahmad was present in the House. The Honourable Member in charge said that according to the Resolution of the Government of India if there had been six Muslims out of thirty then the requirements of that Resolution would have been met. But that is not so. There should have been  $7\frac{1}{2}$  Muslims out of 30 and not six, and as half counts as one in such cases, there should have been eight Muslims out of thirty. That was

[Nawabzada Muhammad Liaquat Ali Khan]

the only thing that I wanted to point out to the Honourable Member so that he may not go away with the impression that there was a shortage of only one Muslim in the Gazetted posts, and not three

**Mr H A Sahar H Essak Salt** Sir, in view of the fact that the Honourable Member has promised to go into the matter, I beg leave of the House to withdraw the cut motion

The motion was, by leave of the Assembly, withdrawn

#### DEMAND No. 12—EXECUTIVE COUNCIL—*contd*

##### *Present System of Purchases and Inspection in the Supply Department*

**Dr Sir Ziauddin Ahmad** (United Provinces Southern Divisions Muhammadan Rural) Sir, I beg to move

That the demand under the head 'Executive Council be reduced by Rs 100''

Sir, I believe that the present war will continue for at least three years more and during this period we will have to depend more and more on our own resources. We will have to mobilize all our resources and to make most economic use of what we possess. It is the duty of every person and especially of persons who hold military ranks, real or other wise, to show the honesty of a soldier even in civil dealings, and, I believe, in the long run we will emerge successfully and we will win the war. It is in this spirit that I am moving my cut motion.

We have now got experience of 2½ years and we will have to organize our resources for a longer period. The need for reform has now become more acute as we will have mostly to rely upon our own resources for the defence of our own country. Sir, before I come to the definite criticism of the Department, I would like to quote two instances which will show that reform is needed. One is that a very respectable high Government official told me that a friend of his, who was a very good manufacturer of certain commodities, wanted to take a contract in those articles. Now, they had a common friend whom they approached and he said quietly, "Pay to such and such man Rs 5,000 or you will not be able to get the contract easily." If the Honourable Member is willing to reform the Department, I can give him instances of this kind. The second example, in which I am personally an actor is, that I recommended on the 17th April, 1941, a firm in Bombay which was a most reliable firm and with which one of my Mathematical Assistants was associated. I took a promise from him that he will not pay a penny to any person from back-door, otherwise I shall wash my hands out of this. He abided by it and did not pay any money. On the 17th of April he saw some officers of the Supply Department and after some time an agent of the Government saw him. Then he sent some articles of his dried fruits and after some months they said that they had lost and so another supply was made. Then some letters were sent to him at wrong address, because they were sent to Calcutta instead of Bombay. When the agent saw him again he said that your firm must be an unknown firm and so that is why the letters have come back undelivered through the Dead Letter Office. On scrutiny, however, it was found that they were despatched to Calcutta and not to Bombay. Later

on I sent a long letter to Sir Homi Mody when he became Supply Member. Sir Homi, it would seem, gave some instruction to the Department and the result was that he got an order for 250 tons. Out of this he supplied 125 tons but the Department neither acknowledged the receipt of these 125 tons nor did they pay any money. So this is really the work of this Department and I want to tell Mr Jenkins that in his particular Department it is neither the merit nor the recommendation which counts. It is only *Mubligh alahis salam* that counts.

Sir, reorganization, as I have said, is necessary for this reason also that we should include the cottage industry in our programme. In the later stages of war we will have to depend more and more on cottage industries, because we cannot import machinery to this country. Now, in the beginning we took Advisers from the business because we had no experience. Sir, 2½ years have passed now, and I would like to ask this question whether it is still necessary to have the association of these Advisers and whether we cannot go on without them. If he thinks that the association of these Advisers is necessary, may I ask him whether he has ever considered this fact that these businessmen do receive some kind of honorarium from the firms in which they were working before joining the Supply Department? Now, is it permissible? Did the Supply Department ever find out the amount of money which these permanent Government officials still receive from the firms to which they were once attached, and did the Department ever lay down rules by means of which the conduct of this class of people, who have been drawn from the business, should be regulated? I think it is high time that after two and half years' experience we should sit down and reorganize the department in the light of experience which we have gained so far.

Sir, the fundamental conception today is very different from what it was two and half years ago. At that time our demand was less than supply and we demanded tenders and we could have a selection. Now the problem is different. Now the problem is how to mobilize the entire resources and to distribute them evenly for various purposes, both civil and military. So the question of registration of contractors, which was so important at the beginning of the war is not now so important as every person who can manufacture at present should be encouraged to manufacture and any person who can contribute his quota, however small it may be, for the successful prosecution of the war ought to be encouraged to do so. Therefore this question of the registration of contractors in these days has not the same importance as it had about two years ago.

The second point is that we want really good military officers. Of course we know we are supplying candidates for Emergency Commission but we want really good military officers to train them. The Aligarh University itself has supplied about one hundred candidates during the last few months and we want even at Aligarh military officers to train these candidates. Why really lock up these officers in the purchase of ghee, rice, wheat, etc., which can be done better by a civilian officer who has been dealing with them all the time? I think every one should do his own duty nowadays, you cannot put a doctor in charge of a railway engine, or an engineer in charge of a hospital, so these military people ought to be put in charge of the training of these young officers whom the country is now sending very rapidly and they should be trained properly, and the work which can be done by civil officers, not requiring expert military knowledge, ought to be done by the civil people and not by military officers. The present system requires very careful consideration on the principle of division of labour.

[Dr Sir Ziauddin Ahmad ]

This is one of the keynotes of the successful prosecution of the war, that every one should do the work for which he is well qualified. There is certain class of work which must be done by military officers, *e.g.*, ammunition. Ammunition cannot be entrusted to any civil officer, because that is really the work of an expert who knows the work. Therefore, leaving out ammunition production, I think the supply of every other article, particularly those in common use by the civil population, ought to be done by civil officers and it can be done more efficiently by them than by the military officers.

The next point—and I am glad Mr Jenkins is here today—is about this question of specification. I do beseech him to read some of the specifications which have been sent out with the tenders, they are like the speeches of the oracle at Delphi, which can be interpreted in any way an inspector likes, he will find in some of these specifications certain catches by means of which an inspector can catch hold of contractors in order to ruin them, if he chooses to do so. He himself should study these specifications and they ought to be put before a committee containing men of common sense and in simple language. You do not want very elaborate businessmen for that purpose—men of common sense knowing good English should see the specifications and see they are in simple language.

The next point, which I think he will appreciate, is about the system of examinations of samples. These samples are sent by the Supply Department to Cawnpore or Kasauli or some other place for inspection. There is a good deal of objection and criticism of this method. Things are not properly examined and probably the reply does not come in time unless a proper fee is paid for it. This is very undesirable, especially when the whole country is involved. This should be properly examined, and I do beseech him to adopt the method adopted by universities in the examination of the candidates' answer books. That is a very simple method whenever an answer book comes in, it is sent to an examiner under a false roll number—the name and the real number are not revealed, the time is marked and the reply must come within such and such a time, and if it does not come a reminder is sent. And in case of complaint by any candidate the answer books are re-examined. So there must be a central authority in Delhi to re-examine any case where a contractor is not satisfied. The time is very short now and I cannot go into details—on the occasion of the Finance Bill I shall describe it in detail. But I say he should follow the methods which every university follows in the examination of answer books, and unless this method is adopted, it is very difficult to avoid corruption. We have to take a good deal of precautions to avoid scandals, and I suggest that the above method should be adopted.

The next thing is, and this is the weakest point, the inspection. This is a very responsible task, and it is now entrusted to a class of persons who are daily labourers—they are paid Rs 2 or Rs 3 per day—and they are doing this responsible work. I had an occasion to see myself and I am an eye witness to this particular thing at Tundla—one inspector—I think he was probably drawing Rs 3 a day came to watch the sewing of a tent and he looked into the matter and said "this line should be done this way and not in that way". The moment he raised this objection, Rs 500 were put in his pocket, and, of course, the line as it was originally done was found to be correct. With such inspectors, who-



are daily labourers, you cannot expect better results. Therefore, I do beseech Mr Jenkins now to consider carefully that these inspectors should be permanent officials and selected from the permanent staff of the Government of India and they should be highly responsible officers, so that if anything goes wrong they will lose a permanent job. If a Rs 2 labourer does anything wrong, he does not come to harm because he has already five years' salary in his pocket in advance and he can go somewhere else. This system requires examination. You must choose your inspectors carefully and a wrong selection is bound to lead to confusion and to trouble.

Again, after all, these inspectors are human and therefore there ought to be an appeal provided against their decisions. Inspectors may be using their judgment with correctness, but still, to err is human, and there should be a committee or tribunal appointed to which cases may be referred on appeal. If a contractor is not satisfied with the results of an inspection, he should have a right to appeal to this committee, and there must be representation of contractors on that committee as well, because they must know what the troubles are. In fact it should have representation even of this legislature on it—I do not mind doing this thing. It should be a committee having the confidence of the people for whose benefit it is instituted. Therefore I propose two things—that the inspector must be a permanent official drawn from the service, and there ought to be an appeal from the decision of these inspectors in order to have public confidence.

**Mr President** (The Honourable Sir Abdur Rahim) The Honourable Member has one minute more.

**Dr Sir Ziauddin Ahmad** The next point is their present tent policy which they are now revising. I think this requires very serious consideration because it is designed to destroy the cottage industry. They have devised a new method by means of which they want to destroy the old tent fabricators who really took the place of the cottage industry, in favour of mills. I have not got time now but on the Finance Bill I will make elaborate observations on the rules which they are now having in contemplation, which have been definitely devised in favour of mills and to destroy the cottage industry, they are contradictory in terms, and it is very difficult really to substantiate these rules. For example, mills are given contract for longer terms, while the fabricators are giving contracts only for about quarter of the time. The mills are given prices on the profit basis, while those engaged in the cottage industry are required to quote their own prices, and if their prices happen to be higher than the mill prices, then their quotas are reduced by 15 to 25 per cent. With these words, I move.

**Mr President** (The Honourable Sir Abdur Rahim) Cut motion moved  
"That the demand under the head 'Executive Council' be reduced by Rs 100."

**Mr Muhammad Nauman:** Sir, I do not think the present is a proper time for making criticisms, because the gravity of the situation demands serious consideration of the Department to all matters that come before them, because we are passing through very critical times. I shall not repeat the allegation which my friend, Dr Sir Ziauddin Ahmad, made regarding bribery, but I would only request the Government to be more strict in dealing with officials who have been found guilty of corruption.

[Mr Muhammad Nauman]

or bribery, so that the punishment meted out to delinquent officials may act as a deterrent to others. I agree that it is not possible for the Government to eliminate temptation from all officials under them, but, certainly they should try and deal with all officials found guilty of bribery or corruption with a strictness which should, as I said before, act as a deterrent so that others may not be encouraged to resort to these means. I know responsible officers like Mr Jenkins and Mr Gholam Mohamed and others are working in the Department at great personal sacrifice to themselves, and I should like the Government to imbibe all officials and officers in the Supply Department with the same spirit of sacrifice.

Another thing I observed in the Supply Department is this. In regard to contracts, I find that European firms are not animated by the same spirit of sacrifice as they are in England. That is my grievance. I do not think that my friends of the European Group will like to hear what I say, but it is a fact which I have to mention on the floor of the House. Some of these firms are exploiting the Department by trying to get special advantages to their own firms. Restrictions should be imposed on people who are actively participating in any business so that they may not be employed in the Supply Department. In some branches some of the officers are both officers as advisers of Government and distributors of contracts and this should not be allowed. Of course, I have no time to review the activities of all the branches of the Supply Department. I have neither the information nor the time to do so now, but I should just like to mention one thing. There is still a strong feeling among the merchant class that they have not been able to cultivate a feeling of sacrifice, and most of them,—I should not say all of them,—who are participating in executing the orders of the Supply Department are doing the work, not in any spirit of sacrifice, but with an eye to profit, if not exploitation, I would merely cite one example.

In this case the Supply Department held a meeting or conference of hide merchants and invited all the prominent merchants from Calcutta, Cawnpore and other places for the supply of raw hides. I think the speeches made in that conference were sufficiently encouraging and promises were made on behalf of the merchants. I was one of those who had been invited to be present as a representative of my firm and as President of the Calcutta Skin and Hide Merchants Association. I then made it perfectly clear that this was not the time for making profit, because we do not know what is going to be the position of the country itself tomorrow. But we found that in practice there is a regular race going on although there is no competition from the tanners' section—whatever the reasons for it may be,—I shall not discuss it now. But the position remains that there is a game going on between the two sections, the hide merchants and the tanners—tanners are not co-operating in the manner one would expect them to co-operate in the present arrangement of things. The matter was placed before the authorities in charge, and nothing has been done so far. Probably they are calling another meeting sometime this month. This is the story of one particular Department. I do not know what is happening in other Departments. I understand similar conferences are held of jute suppliers, and I do not know if there is enough co-operation forthcoming from their side. I think the whole position should be dealt with so as to call for a spirit of sacrifice from merchants who deal with the Supply Department. That is all I have to say on this motion.

**Sir Gurunath Bewoor** (Government of India Nominated Official) Sir, I must explain first of all why I am participating in this debate. The cut motion moved by my friend, Dr Sir Ziauddin Ahmad, relates to the present system of Purchases and Inspection in the Supply Department. Now, Sir, Inspection is the responsibility of the Defence Department, firstly, because it is necessary for the user to lay down, in the form of specifications, what is required, secondly, it is the accepted principle that Inspection should be divorced from the buyer and thirdly, that the user should have the last word as to the serviceability of the stores that are being bought. I fully agree with the Dr regarding the importance of ensuring quick supplies of first class material, and I fully share his robust confidence regarding the future of this War. I also fully appreciate his appeal that everyone in the Department should work as a real soldier, and perhaps the House will be interested to hear that since the remarks which the learned Dr made, last year, I think, about the Colonels, whose names are spelt with a K he has himself become a Lieut.-Colonel now. I do not know how he spells it.

**Dr Sir Ziauddin Ahmad** Neither with a K nor with C, but with Q.

**Sir Gurunath Bewoor** The branch of the Defence Department which controls Inspection is the Master General of Ordnance Branch, and the executive head of the Inspection Organization is the Controller General of Inspection for General Stores, Engineering, Medical and Clothing, the Director of Armaments for Lethal stores manufactured either by Ordnance Factories or by the trade, and the Director of Mechanisation for Motor Vehicles, Tanks, etc. This is a very big organization, which is spread all over India now. The Controller General is assisted by a Deputy and an Assistant and he has under him a number of Chief Inspectors, for each group of stores such as Engineering Mechanisation, General Stores and Building, Small Arms, Guns, Military Explosives, Gun Carriages, Scientific Stores etc. It is the function of the Chief Inspector with his staff to prepare the specifications and to do research and development.

I have noted what the Honourable Doctor has said regarding specifications not being very clear and as affording scope for different interpretations. I have noted this and I will draw the attention of the Controller General of Inspection to the complaint. I cannot help feeling that perhaps some of the articles for which specifications are prepared are beyond even the expert knowledge which the Honourable Doctor has, and some of them might perhaps have struck him as somewhat ambiguous. However, I have noted down this very important point and I will draw the attention of the Controller General of Inspections to the importance of clarity in specifications. The Controller General has under him Assistant Inspectors for General Stores who are appointed for different areas into which India is divided—namely, it is divided into North India, Central India, South India, Bombay and Bengal, and then there are various Depots in charge of officers. The Controller General of Inspection has also taken over work which used to be done in the old days by the Indian Stores Department, and the whole of the staff of that Department is now under him for purposes of work and administration.

Inspection may be classified into five categories. I mention this because of the particular complaint which the Honourable Doctor made as regards inspection by very poorly paid staff. Inspection may be classified into five categories—automatic, semi-automatic, chemical and physical

[Sir Gurunath Bewoor]

tests, stage inspection and routine inspection. Automatic inspection may be carried out in the process of production, as for example, the manufacture of Small Arms Cartridges, in which, after each process of machining, the article is passed through gauges and automatically thrown out if the dimensions do not meet the requirements. On this type of inspection only low paid personnel are employed as technical skill is not essential. Sennu automatic is an adaptation of what I have just said, together with the requirements of having a higher grade of appointment in position to check parts of the production which have not been automatically inspected. For this and for general supervision of production, Examiners are appointed. Chemical and physical tests are performed in the laboratories which require the services of chemists and physicists. The object of the laboratory examination is to test for strength dilutions, material properties and requirements necessary to ensure that the articles are according to the specification and to ensure that the article will stand up to the work required of it. Stage inspection is carried out in the inspection of complex items with the object of ensuring that the finished article is correct in its component parts. Such an inspection is carried out as the article is being made at various points of manufacture, and the finished article is finally inspected as a built up piece. Routine inspection is the continual inspection of all stores passing through the Indentor. For the Defence Services one hundred per cent inspection is carried out by the Examiners and Supervisors. It will be seen that the grading of inspection staff is organised so that the lower grade personnel perform routine inspection under supervision by a more highly paid and responsible personnel and that a chain of supervision and responsibility is established whereby subordinate staff carry out set routine tasks but carry no responsibility; this is carried by more highly paid and highly qualified staff.

I have here some figures regarding the salaries of various classes of the inspection staff, but for the particular class to which the Honourable Doctor referred as Inspectors—he probably used the word “Inspectors” in a sort of general sense, but here are scales for Examiners which, according to what he says, are correct. Their salaries are from Rs 12-0 per day up to Rs 5 per day. Probably my Honourable friend was referring to those people—they are the very lowest class who do the routine inspection but they have got above them supervisors whose pays are from Rs 120 to Rs 200 a month. Then they have got officers above them, whose salaries vary according as they belong to the military staff or civilian staff on the military side or the old Indian Stores Department but generally the salaries are in the neighbourhood of Rs 200 up to Rs 800 or 900.

On the inspection is the responsibility for providing contractors with documents on which stores can be despatched after inspection and on which payment of bills is made, that is, military credit notes and inspection notes. We are aware of some complaint regarding delay in payment to contractors. The whole question has been carefully examined and a reorganisation has been done since last December and it is believed that the present system has resulted in speeding up supplies and payment. The Honourable Doctor referred to not using too many military officers in inspection and to releasing them for other work. So far as the inspection side is concerned, I may mention that in a total staff of 18,500 which is now under the Controller General of Inspections there are only 200

military officers and 200 lower ranks. I do not think the military staff is used in any large number, but as the Honourable Member himself pointed out, there are various types of stores for which military personnel is essential.

The other point which was made was about bribery. My Honourable friend, Mr. Nauman, has admitted that human nature has not changed and that this is inevitable. On our side we have taken every possible step by providing various supervising and controlling staff, but, in spite of that, we are aware that dishonest practices do exist.

**Mr. Muhammad Nauman.** May I say this in this connection? Anybody whom you suspect, or whose guilt has been proved—if you dismiss him, that would probably serve as a good example for other people.

**Sir Gurnath Bewoor.** I was just coming to that. We do want to stop corrupt practices and we have certain agencies for keeping a watch on all work that is done. But it is unfortunate that in this matter we do not receive the assistance and co-operation which we ought to receive. Bribery is not a new thing only in this Department, it has existed in a large number of Departments, and as bribery like the quality of mercy benefits him that gives and him that takes, neither party is willing to come forward. But where we have been able to secure evidence, we have not only dismissed people but recently a man has been sent for three years' rigorous imprisonment. We have offered to contractors our promise that we will see that they are not penalised if they would come forward and give assistance. So far as Government are concerned, I hope the House will accept our assurance that we are just as keen on rooting out this evil as any Member of this House.

As regards the suggestion made by the Honourable Doctor that there should be an appeal to a tribunal, Sir, at present contractors can always appeal to the next higher officer if they think that their articles have been wrongly or dishonestly rejected, but I cannot possibly conceive of the constitution of a large number of tribunals for different types of articles and the acceptance of material awaiting the decision of the tribunal, meantime supplies being held up. But if anybody has any grievance of this kind I am sure that we shall be only too pleased to look into the matter and to take to task the person concerned.

**Mr. Muhammad Nauman.** Has he got the facilities to go to the higher office and ask for a revision?

**Sir Gurnath Bewoor.** There is nothing to prevent the man from going to the higher officer and mentioning those things which are according to the specification and which have been rejected by a particular officer. That is all, Sir, that I have to say on this matter.

**Mr. Jamnadas M. Mehta** (Bombay Central Division Non-Muhammadian Rural). Sir, everybody will be glad to hear the assurances that have been given by Sir Gurnath Bewoor of Government's anxiety to root out the evil of corruption, and I feel perfectly confident that the headquarters of the Government of India are as keen as anyone of us. But there are certain tests which I wish to present to him by which he can see whether his efforts are getting successful. I have had a conversation with a Government contractor who is on the approved list for the last 15 years and who is one of the suppliers. He met me in the Railway train when I

[Mr Jamnadas M Mehta]

was travelling from Calcutta in January last. He told me of the widespread evil of corruption, the methods of those corrupters and the tests by which this corruption could be, if not eliminated, minimised. I am telling the Honourable Member now what this experienced gentleman in giving bribes told me, he told me that he could not have got on without paying. He is, I think, still on the list, and he has 15 years' experience. He said there were four toll gates at which he had to pay the toll keepers before he could enter the four gates. The four gates were, first of all, the entry as an approved contractor. You need not take it for granted that you will be taken as an approved contractor simply because you applied for it. But the test whether you had to pay or whether you had not had to pay is that if you have paid you are accepted immediately. If you do not pay, it may take four months before you are registered on the list of approved firms. Now, therefore, I suggest to the Honourable Member that if he goes through these files and finds that in the matter of being registered as approved contractors some people were registered too soon and some people were not registered at all, that would give him one test whether there was anything fishy in the registration as an approved contractor. Then, you have to pass through this toll gate and then comes the order that may be given to you. Thereafter if you are ready for supplying the order, the inspection takes place. Whether the inspection is to be considered at all necessary, whether the goods are as per sample and whether the supply is per specification, these are all matters for the third toll gate keeper to finally adjudicate. If you want this toll keeper to certify that your supplies are according to the specification, you have to pay him. Then, next, when the Bill is made, you have to pay the fourth toll keeper before the cheque is issued. The cheque may be lying on his table, but it won't be issued until his hand is greased. Sometimes there is a fifth toll keeper, according to this gentleman, who may give you a certificate for full supplies, although the supplies may not be according to the quantity of purchase. If a difficulty arises, the supplies may be put on fire in order to prevent detection. Supposing a man was to supply 5,000 tents—I am not referring to tent suppliers but I am simply mentioning it as an example—and he has supplied only 3,000 tents and there is some danger of discovery, then a very sudden fire takes place, and all the 3,000 tents are also burnt to prevent detection. Then, you cannot say that 5,000 tents were not supplied because there is nothing to prove. These are the four toll keepers who extort money from the contractor. Some of this story may be somewhat exaggerated, but when I asked him whether he will be able to give the name so that I may bring the matter to the notice of Sir Homi Modv, who I am sure, will take action, he said, "Where the practice is general why take up an individual?" That is what he said. He said "I am giving, and, therefore, I am getting. If I did not give, I won't get."

Now, Sir, this is a very extraordinary state of things. In war time the pressure on the higher officials is likely to be very great and they are naturally so much pre-occupied with the more important work of getting the supplies than testing or controlling this kind of practice. But the matter is important because the man who pays the toll keeper adds that money to the bill and ultimately it is the Government and the taxpayer who suffer. Therefore it is a very important public aspect and the test which I am giving you is to watch the time at each stage. The first stage is when he entered as an approved contractor, then his goods

were passed as according to the specifications, then a certificate of delivery was given and the cheque was paid and in a case of necessity, incendiarism was resorted to. Each time you can get it by watching the time during which this takes place. And I wonder if he has not heard of some fire. I at least heard of one but I cannot vouch for its accuracy. If that kind of fire takes place in the supply of any commodity on a large scale, then he should examine that matter. I beg to assure him that apart from the story, which may have been exaggerated, here is a gentleman who has been for 15 years a Government contractor and who is still on the list and who privately attacked the whole system and who said that he could give me the whole list if I liked. It is, therefore, worth while for Government for the sake of their own reputation and for the sake of public money that this matter should be constantly under their watch and no relaxation of effort would be justified in a matter where crores of rupees of public money are at stake. The Finance Member told us that 40 lakhs of rupees was going to be our daily expenditure on war. Besides, we buy enormous quantities of supplies for His Majesty's Government and for allied countries. Therefore, the amount of money involved is not a few lakhs or a few crores but hundreds of crores of rupees and no amount of watchfulness will be too great to bring to light any evils of the kind that are freely mentioned.

**Mr Husenbhai Abdullabhai Laljee** (Bombay Central Division Muhammad Rural) Sir, I have carefully heard my friend

**Mr President** (The Honourable Sir Abdur Rahim) I must point out to the Honourable Member that unless the Government Member replies now, there will be no more time for the Government Member to reply because in the afternoon the European Group's motions will come up.

**Mr Husenbhai Abdullabhai Laljee** I will take only two minutes, Sir. I do not want to go into the details about the matter after what my friend, Dr. Sir Ziauddin Ahmad, or my friend, Mr. Nauman, or my friend Sir Gurunath Bewoor or Mr. Jenkins have said. That there is a general complaint is a fact and it has been dealt with by both at length and fairly. With regard to what fell from my friend, Mr. Jamnadas Mehta, I must say frankly that what he has said was probably the practice 15 years ago. I must also say, Sir, that he has not followed what Sir Gurunath Bewoor said, that is, at the present time, the Supply Orders Department and the Inspection Departments are quite separate. The Supply Department does not do anything with regard to inspection. Every contractor who wishes to supply to the Government at present has got to tender and give bank reference. There is no more now the question of first getting into the list of approved contractors or otherwise, so far as I know, unless probably there is a very special article in which there are only a few manufacturers and not many. Therefore the first two points are practically ruled out although I would like that there should be no restriction even in the supply or manufacture of special article or any article.

With regard to bills and cheques, there again Sir Gurunath Bewoor explained that payments are made by the Accounts Department at Delhi by cheques and sent over to contractors direct and payments are usually required to be made within four or five days after the receipt of the Bills. As far as prices are concerned I had said last year and I repeat again that so far as big business is concerned there is sufficient and good

[Mr. Husenbhai Abdullahbhai Lala]

joint control financially. On the whole we have not much to complain. The only general complaint has been with regard to inspection and deliveries and I think further more action may be taken whenever and wherever in this respect so that deliveries could be made without any difficulty and earlier and that inspection must be done by responsible persons. That is all I want to say.

**Mr E. M. Jenkins** (Government of India Nominated Official) Sir, my Honourable friend, Sir Gururath Bewoor, has dealt with the question of inspection which, as he has explained, is not a responsibility of the Supply Department, but is subordinate to the Defence Department. I shall endeavour to deal with the other points taken by the Honourable the Mover of the cut motion and the Honourable Members who spoke after him. A very important point was made by my Honourable friend, Dr. Sir Ziauddin Ahmad, about the probable duration of the war and the need for mobilising the whole of our resources. The Supply Department began, as was natural, by mobilising and getting into action the whole of organised industry, and it is perhaps open to the criticism that during the early part of the war, it paid inadequate attention to cottage industries. We have, however, got supplies of many kinds from cottage industries in the Provinces. We hope to get from them this year something over two million blankets. The industry in Bengal, for making camouflage nets, has been expanded in quite a remarkable way. Similar expansion has taken place in the Punjab in respect of cutlery, where the cutlers of Wazirabad appeared to be a somewhat quarrelsome race who had been unable to get their products passed easily by inspection. But they have now been organised by the Director of Industries and they are, I believe, doing very well.

**Maulana Zafar Ali Khan** (East Central Punjab Muhammadan) I come from Wazirabad and I can say that those people are not quarrelsome.

**Mr E. M. Jenkins** They are, I believe, doing quite well now and they may really be the most sweet-tempered community in the world. Now, Sir, owing to the entry of Japan into the war, and the obvious need for increasing India's potential, it has been decided to hold a Conference of the Directors of Industries on the 23rd March to try and put these cottage industries on a firmer and more systematic basis. What we have in view is this. We shall continue, as we do now, to operate through the Controllers of Supplies, but we shall ask the Provincial Governments, I do not know yet whether they will agree, to set up in each Province what we have called an "official agency" based on the Industries and Co-operative Departments, which will actually take contracts, and act as contractors, and those official agencies will be responsible for organising and bringing out the small men. Now, Sir, I do not like to mislead the House as to the views of the Department as to the potentialities of cottage industries. Cottage industries are not particularly efficient and they are not particularly cheap, except for certain things. If you are making munitions proper, that is to say, things which have to be interchangeable, such as parts of shells or fuzes or what not, then the little man working in a small urban workshop or in a house in a village is not in as good a position as the more highly organised worker to make sure that that thing is up to standard and, if it is not up to standard, of course, it is useless. But there are a very large number of articles which might be made by the small



man and can be made by cottage industries, if cottage industries are properly organised. We are, therefore, going to start with the side of the Department which is operated from New Delhi, the Directorate General of Supply, and we have given the Provincial Governments a specific list and a fairly long list of the things which we want them to get for us from the small man. If the steel position improves and if we feel that we are not incurring a risk in handing out valuable metals to the small man to work on, we may later on extend this system to the munitions productions side, but that will take time.

The second important point taken by the Honourable the Mover of the cut motion related to the use of Advisers drawn from business. Now, Sir, in the opinion of the Honourable Member these advisers were taken to guide the tottering steps of the ignorant civil servant during the first six months of the war. Well, of course, there is a certain amount of truth in that. But, Sir, they were intended to serve another and equally important purpose. They have really been appointed not only as technical Advisers, they are to some extent the spokesmen of the industry to which they belong and so far from finding them unnecessary we are finding them increasingly necessary. We are passing more and more to the adoption of the panel system in dealing with industries. We have now the big cotton textile panel which is doing admirable work. We have not one, but several honorary Advisers on various aspects of the cotton textile industry, men of considerable eminence who have given their time for nothing to us. We have a machine tool panel, also honorary, and so on. The system, to my mind, is unobjectionable from the point of view of industry and it is extremely useful to Government. I have never been able to understand why it was regarded in certain quarters with suspicion.

Then, Sir, the Honourable Member, who was supported in this by Mr Muhammad Nauman, referred to the risk of appointing to the Department, as temporary Civil Servants, gentlemen, who occupied positions of responsibility in commercial firms in India, who, in some cases, do continue to draw emoluments from their original firms. That is a most delicate and thorny problem and at a very early stage in the war we got from London and examined the orders on the subject in the United Kingdom. Their practice roughly is this. An Adviser, if he is wholly an Adviser and is unpaid may maintain his full business interests. In all other cases, if it is possible, they ask the business man to become a temporary Civil Servant and to sever his connection with his business completely. That is to say, if he is going to be an Executive Officer, they ask him to devote his whole time to his duties as such and to receive nothing but his Government salary. Now, Sir, in the United Kingdom there is a very large range of people high up in the business world, and a considerable range of retired people on whom the Departments can draw. In India, it is a little bit different and we have here, to some extent, to compromise on the following basis. If an officer joins us from a firm—and mark you, if he joined the Army from his firm, he would normally be permitted by the more generous firms, no doubt, by most of them, to receive the difference between his army pay and his own pay with his own firm—when he joins us, he is asked to make a definite declaration of what his business interests are. He is asked to declare that he will take absolutely no part in his business interests for the duration of the war, he also declares what emoluments, if any, he is going to receive. These declarations are submitted to the higher authorities in the Department, normally, the Supply

[Mr E M Jenkins]

Member himself, and it is decided whether they are adequate for our purpose. But I would deprecate most strongly and indeed repudiate the suggestion made by the Honourable Mr Muhammad Nauman that these officers, many of whom have come to us, at personal inconvenience and considerable sacrifice, are abusing their position in any way. The services of men, both Indian and European, from the commercial houses of this country has been absolutely invaluable and we could not have carried on without them. I should be very sorry to think that this House endorsed any ungenerous statement about these people who have done a great deal for the war effort.

Mr Nauman raised another question arising out of the employment of business men as temporary Civil Servants. This was when he suggested that the co-operation of industry had been most uneven, and he suggested that in some cases the presence in the Department of people drawn from commercial houses had had a disturbing effect. Of course, it is true that businessmen are like other people, if you take a cross-section of a large community you find that it is composed of all sorts, and that in some industries you get readier and quicker co-operation than you do in others. But, on the whole, the Department have no reason to complain of failure of industry to co-operate, though I would say this, that in India, as a whole half of our troubles have not been told us. Therefore, we shall all both official and non official, soldiers and businessmen, have to go more flat out than we have been going up to now.

Then, there was a question raised, I think, by the Honourable the Mover himself, of the employment of military officers in the Purchase Branch. We do not now recruit new military officers to the Purchase Branch, but I would remind the Honourable the Mover that these military officers, the ones who were in the Purchase Branch before the war, are not amateurs. They were men who had spent a good many years on this rather technical and perhaps rather dull business of contracting. There is a great deal more in it than meets the eye. The accretions to the original cadre after the war began consisted mainly of business men and people with some experience in that line, so that the presence of officers in Sam Browne belts entering into contracts was not so absurd as it appeared at first sight. As I have said, we are now recruiting no more of these gentlemen and the new recruits are all civilians. But to protect the rights of the senior officers who were permanent before the war, we have a certain number of posts reserved in the Contracts Branch for them.

The Honourable the Mover again complained of our policy about tents. But as the time is now very short and as he has intimated that he will take that up at greater leisure, I need say no more on the subject except that I do not think that tent fabrication can be described as a cottage industry. The fabricators are very prosperous men, many of them having been known to me as such for a good many years. There is no question of tears about any bitter hardship which they are experiencing at the moment, and I think when there is an opportunity for a fuller examination of the question the House will be prevailed upon to agree that all is well.

Finally, in the few minutes at my disposal I will touch upon the last and perhaps the most important point raised on this motion, and that is the question of corruption. That is a question which has given the Government of India as a whole, and the Supply Member, personally, the

very gravest concern in the last year. Nothing,—I am sorry to say,—that the Honourable Members have said today is news to me. We know that corruption exists; we know that it is not new and that it is very largely a matter of opportunity. We have, as Sir Gurunath Bewoor said, a special agency looking out for delinquents and we have succeeded, though we do not talk a great deal about it, in tracing a certain number of cases which have, I hope, been adequately dealt with. But it is idle to suppose that during a war, supply work will be entirely free from corruption. The only things that can be done to put it down are these. In the first place the controlling authorities must be as vigilant as they can, and in the second place there must be,—and this I suggest is a matter for Honourable Members of this House as much as for any other persons in the community,—there must be a healthy public opinion on the subject. Two months ago I had before me half a dozen contractors whom I had known for years. They told me their story but when I asked them to come forward and give evidence they refused. It is that spirit that is at the bottom of a great deal of our trouble. If the public would come forward even at the risk of being laughed at, at the risk of discomfort, and even if they feel,—though I think we can protect them against any such consequences that they might later be ruled out of Government business and so on,—if they take the risk to come forward and let us have true cases, then I think the corruption menace would be largely eliminated.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr Deputy President (Mr Akhil Chandra Datta) in the Chair.

**Mr Deputy President** (Mr Akhil Chandra Datta) Which motion is the European Group moving?

**Sir F. E. James** (Madras European) Sir, I am moving No 73 on the printed list.

**The Honourable Sir Jeremy Raisman:** Sir, what about the motion which was moved before the House adjourned for lunch?

**Mr Deputy President** (Mr Akhil Chandra Datta) It automatically drops. I find there is a ruling on this point; it is this.

"The Honourable Member is aware of the arrangement which the House unanimously agreed to. Yesterday was allotted to the Nationalist Party, and if the motion that was put before the House could not be carried to vote, it dropped."

(This is on page 2025 of printed debates of 15th March, 1932.) This afternoon is allotted to the European Group, and, therefore, that motion cannot be put now.

*Advisability of creating a Department of Production separate from Supply*

**Sir F. E. James:** Sir, I move

"That the demand under the head 'Executive Council' be reduced by Rs 100."

Sir, I raised this question on a previous occasion and I make no apology for raising it again more formally on the demands for grants. At the outset, I should like to make it quite clear that this proposal implies no

[Sir F. E. James]

criticism whatever of the work and achievements of the Supply Department. Indeed perhaps if it did, I might have been placed in an embarrassing position in view of the fact that I have enjoyed the personal friendship of the Supply Member for many years in a way that has enlivened and enriched my existence. I think, also that everyone in this House will be only too glad to join in paying a tribute to Mr. Jenkins, who I am glad to see here today and whose work as Secretary of the Supply Department has been one of the most outstanding successes of the war effort in this country. Nor do I minimize for a moment the foresightedness of His Excellency the Viceroy who had the vision at an early stage to see the necessity for laying down extensive plans for the development of supply in this country, not only to meet our own needs, but also to meet the needs of the Eastern Group. And I would not either minimize the work of the Roger Mission, of which we have heard too little—its recommendations still remain rather shrouded in secrecy and in spite of questions and supplementary questions we are not told very much as to the extent to which those recommendations have actually been implemented. Nor do I minimize the work of the Eastern Group Supply Council.

As a result of these and many other efforts, India's productive capacity has greatly increased. She has followed an immense and vast supply programme. She is in fact the supply arsenal for the armies in the Middle East and Far East. For months, secure behind her Eastern and Western bastions, she was able to feed and clothe and partially equip those who were fighting her campaigns overseas. But with the entry of Japan into the war and the fall of Malaya, Singapore and the Dutch East Indies and with the evacuation of Rangoon, India's strategic position has completely and absolutely changed. No longer is she secure behind her Eastern bastions—they have gone—and India's own coast lines today are the front line of battle. Communications with Australia and New Zealand have been lengthened and made infinitely more difficult and we have frankly to face the possibility of continuous interruptions of communications not only with the Middle East but also with the United States of America and the United Kingdom. In other words, India is thrown more upon her own resources than at any other time during the course of this war. Now this necessitates a complete re-examination of the production situation in this country. Maximum national effort is more required today than at any other time, in the conduct of the war and in the output of India's essential war production. I am aware that maximum national effort depends in the last analysis upon national unity and national efficiency. In regard to national unity I shall say nothing this afternoon except to express a hope that the events of the next few days may open the gates to a measure of unity such as India has not experienced for many years. As to national efficiency, which is as important as national unity, let it be remembered that the quantity and quality of equipment is as determining a factor in the war today as the number of soldiers or the skill of generals, and that fundamentally this is a war of aircraft, tanks and shipping plus the national will to resist. An outstanding admission of the importance of this matter of production is made by the announcement of a technical mission from the United States of America which is to visit this country shortly. One of the objects of this mission is to aid production and, if possible, to fill some of the gaps in India's munitions production, thus assisting in the implementation of the recommendations of the Chatfield Committee, the Roger Mission, and others.

May I say that this mission and its visit should be welcomed on all hands and that neither suspicion, which I have seen voiced in some quarters, nor vested interests should be allowed to stand in the way of its successful working? I believe that an immediate survey of this kind is a crying necessity and that ruthless, and if necessary revolutionary, efforts are required to increase India's production of war materials and to fill those important gaps to which reference has been made. We need not suspect this inquiry. Honourable Members perhaps have forgotten that a technical mission of inquiry was sent to the United Kingdom, and after a tour of the production centres reported that they were not giving the full production of which the plants were capable. Similarly, a technical mission from the Trades Union movement from Russia recently visited the United Kingdom and they similarly expressed frank views. The views both of the trades unionists and of the technical mission have been immediately taken into consideration by His Majesty's Government and many of them have already been given effect to. May I express the hope that this mission will not be required to sit down and write a long report, which will in due course receive the favourable consideration of the departments concerned. I would like to see this commission go round, associated with a powerful representative from the Government of India, so that in respect of many of its recommendations which do not affect general policy, the recommendations can be put into effect immediately. Why should not, for example, my friend, Mr Jenkins, in whom the House has such complete confidence in these matters, why should he not be required to go round with the authority of government and of the Supply Member behind him, so that he could be a direct link between those technical experts and the policy of supply and production?

There are two main problems so far as I see it, in regard to production. First of all, the problem of removing impediments which are in the way of increase of output, and secondly, the planning ahead, the filling the gaps, the utilisation of unused space in our factory layouts, and in general the increase of India's productive capacity. Let me mention some of the impediments in the way of the increase of output.

There is the lack of certain types of raw materials which have to come from outside. There is the lack of skilled technical labour, lack of machine tools, inadequacy of power, the absence of certain highly specialised plants, the tremendous congestion upon our overcrowded transport facilities, and I believe the entire reorganisation of our transport system will be essential if India's productive capacity is to be increased to any very large extent. There is the whole question of the control of imports, which needs thorough revision, and there is the sorry story of labour disputes here and there, which tend to slow down production in some of our essential factories. May I add one further impediment to production, and that is a lack of control over the prices of certain essential materials, which are needed in our vital industries. I have known of cases in which establishments which are turning out important supplies have been hindered by the inability to secure essential materials from middlemen, simply because those middlemen were holding up prices to a fantastic level. That should be dealt with, and dealt with without any delay, by those who are now in authority.

The question naturally arises to every Honourable Member, "That sounds all very well: there are impediments to be dealt with: there is productive capacity to be increased; but is there any justification for an

[Sir F E James ]

alteration in the present organisation of the Supply Department?" We think there is, and I will state one reason. But I would also say that we do not for a moment suggest that the method we propose is necessarily either the only or the best method. First of all, while supply is closely related to production, it is mainly concerned with immediate needs, whereas production is concerned with both immediate and future needs. Production is both long term and short term, and if I were to describe in simple language the main objects of production in this country, it would be, first of all, to make the implements for the people's resistance here and now, and secondly, to produce the weapons which will bring an allied victory. The smaller arms which are necessary for a people's resistance can be made in our existing factories, but their output needs to be increased a hundred-fold. Those weapons which are necessary for that victory which will come in time, they will have to be made here, if possible. But for that, there must be a complete reorganisation of many of our existing services. In the second place, we consider that the Supply Department as it is now organised has grown almost too big for one concentrated intense direction. I have not time to go into the intricacies of the organisation, but a reference to the very interesting chart which was published some time ago in *Indian Information* and which I take it now will have to be even more elongated, will illustrate the intricacies of the department, and the enormous size of its scope and its activities. If you study that chart you will see that already a natural division exists as between supply and munitions production. We suggest, therefore, that the Department should be divided, that there should be a Department of Production under one head, able to give executive direction through the whole field of munitions production, able to deal promptly and effectively and with extensive powers with anything and everything that stands in the way of efficient production. We realise, of course, that production is not a simple matter. It is no use putting even so capable and energetic a person as our Supply Member in charge of production and imagining for a moment that he can suddenly produce in all directions. He can do many things, but he cannot do that. Production involves four main stages: first, the consideration of strategic problems, secondly the specification of the targets to be aimed at, thirdly, an examination of all the factors relating to production, and their carrying into effect, and fourthly, and finally, the issue of distinct and definite operational orders. Therefore, while we believe that there should be one Department of Production under one head, supported by a central production executive, we recognise there must also be a certain amount of regional autonomy, and we should like to see men in the production department serving regions, not provinces, economic regions such as Bengal and Bihar, or the whole of South India which is one economic unit, with authority to go round and to act.

The system of having to refer detailed matters to Delhi should be abolished. In the Central Executive to be established to advise the Production Member, we suggest that there should be represented technical and industrial skill, not only from this country, but also from the United States of America and from the United Kingdom, or from wherever in the allied front we can get capable men, who know their business. This production executive should have the widest possible powers not only to remove the existing impediments to the flow of munitions, but also to speed up procedure, and this speeding up of procedure which was to have

formed a separate item in our budget discussions, is most urgent and most necessary. This is not a new matter. It has been brought to the attention of Government by the business community from time to time during the last two years. I am not now criticising any particular officer of the Government, but there is no doubt that procedure in the Secretariat which is proper and appropriate in peace time becomes a clog on the wheels of progress in times of war. It is a sure sign that whenever a Governor broadcasts a striking message calling for the abolition of red tape then some town is about to be surrounded. May I suggest here that we don't wait until the Japanese are in Ghaziabad before red tape is abolished. Finally, Sir, may I once more urge upon the House the extreme urgency of this matter. We don't move this cut in any spirit of panic or depression.

**Mr Deputy President (Mr Akhil Chandra Datta)** The Honourable Member has got one minute more.

**Sir F E James.** But we are trying to face 'acts. The battles of Malaya, Dutch East Indies and Rangoon, are finished. The battles of Upper Burma and China are in progress. The battle of India is about to begin. These are grave matters. They are matters with which the House should deal urgently, instantly and as effectively as possible. May I ask the Honourable Member for the Supply Department and his colleagues on the Treasury Benches to remember those words of Britain's Prime Minister that in the matter of the production of munitions essential for a nation's resistance and for a war of final victory, there is "not a day, not an hour, not a minute to lose". Sir, I move.

**Mr Deputy President (Mr Akhil Chandra Datta)** Cut motion moved.

"That the demand under the head 'Executive Council' be reduced by Rs 100."

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official) Sir, as one who is neither enriched nor enchanted by the present Supply Member, and as one who has listened very carefully to my friend, Sir F E James, I rise whole-heartedly to support his motion. Sir, I think Sir Frederick James has not been one day too late in impressing on this House and on the Supply Department the need for an urgent re-orientation and enlargement of its operations. There is no use indulging in a recital of our past defects or suggesting improvements, for I leave that to experts, but I do think, Sir, that India has been denied this for many years. Let me give you one instance among many. I remember reading what Mr Gandhi, one of the chief officials in Tata Works, said. He said that had it not been for the tremendous strain on England as a result of the battle of the Atlantic and the difficulty in transporting machinery to this country, Tatas would never have been asked to supply wheels, tyres and axles which they are doing today. This is a clear indication, as my friend, Sir Frederick James, has said, that India has possessed and does possess sufficient factories which are capable of producing many forms of army material required for defence purposes today. Sir, it is lack of imagination and, this wait and see policy on the part of the Government that has been its chief drawback in the administration of India especially in its dealings with the present war needs. I feel I must join my friend, Sir Frederick James, in the tribute he has paid to the Honourable Member who is now at the head of the Supply Department. He is a man who never allows himself to be short circuited and who scarcely ever fails to

[Sir Henry Gidney]

accept advice, and I feel sure that in his hands the Department is perfectly safe. But Sir Frederick James has suggested a much needed reform—a Production Officer. With some knowledge of that Department, I feel myself that it has outgrown its needs to the extent that it has become too unwieldy and that it should be able to utilise a Production Officer.

I do not desire to enumerate the points that Sir Frederick James has so ably mentioned and discussed except to say that the creation of a Production Officer and a separate Production Department is an absolute necessity today. India today is faced with a world war and a situation which nobody could foretell a few months ago. Let us frankly admit we have sadly underestimated the strength of our enemy. We were really ignorant of the speed with which Japan could move today. We are faced with danger on our eastern borders. Is India prepared to meet that danger? Or does the Department of Industries, does the Department of Production, does the Department of Transportation need radical alteration? If there is one Department which needs radical alteration, it is the Department of Transportation. Can anything be more lamentable than the absence of transport facilities for the carriage of food grains and other necessities today? That danger can be best countered with the creation of a Department of Production. Sir, this Resolution has really been brought a little too late. We should have passed it last year or it should have developed *pari passu* with the Department of Supplies when it was first established.

Sir, I have really very few observations to make, for my friend, Sir Frederick James, has travelled over the whole field so ably and so fully and has placed before this House the very urgent and vital need for creating a separate Department of Production with a Production Officer and I entirely agree with him. If India is to face the troubles ahead of her,—we know not what the morrow will bring forth,—but we know this much that our waters are today riddled with submarines, we know not what defences we are capable of putting up against this menace,—but what we do know is that our export and import trade must suffer, and we should be up and doing and we should be so prepared by making radical improvements so as to bring India into line with those countries which are working night and day for the betterment of their defences. But above all, what we need in this country is unity, for without unity India will be unable to put forth a hundred percent work in her defences. Sir, I heartily support this cut motion.

**Mr Muhammad Ashar Ali.** Sir, I heartily welcome and support the cut motion moved by Sir Frederick James. As our friend, Sir Henry Gidney, has said, we have complete confidence in Sir Homi Mody and Mr Jenkins, but what is really required is the confidence of the country. It is not the confidence of only two Government Members, but it is the confidence of the country that we have to gain today. I do not want to go into the question of omissions and commissions of the present Government.

[At this stage, Mr Deputy President (Mr Akhil Chandra Datta) vacated the Chair which was then occupied by Lieut.-Colonel Sir Henry Gidney, one of the Panel of Chairmen.]

We all know their defects. Yet we are prepared to co-operate as our friends on the other side are doing. But these things are not in our hands.



alone. It is in the hands of the present Government to bring about the unity on which my friend has laid so much emphasis. No doubt, production is a greater part of the organization and the creation of a separate department is very necessary. It is of course a matter for experts to say whether production can be speeded up in a much better way than what the Supply Department is attempting to do. Sir, this morning we had some complaints about the Supply Department. I hope if and when a Department of Production is created, we shall not have to make similar complaint about it.

I know that this cut motion which my Honourable friend, Sir Frederick James, has moved has not come from his own brain alone, may be there is some other brain behind it, I mean a friend's brain with him may have also suggested this production scheme. I do not want to name that friend, but I hope Members of the Assembly can well understand the liaison between the two friends. Sir Frederick James has given a description of the Production and Supply Departments and he has pointed out that production will be not only for the present, but also for the future. We welcome the suggestion that something should be done for the future too but I urge on Government that the claims of cottage industries have to be borne in mind more than production from the mills. My Honourable friend has said that in the case of production, munitions have to be cared for. I would urge that the condition of the agriculturist has to be remembered more than the production of munitions alone. Munitions are fodder for cannon, but in the case of agriculture our bellies are to be filled. Who is going to look after production of food stuff? I ask the Government to look more to the production of foodstuffs, and a scheme must be prepared in conjunction with Local Governments, showing the great interest of the Government of India in the case of cultivators. Production of raw materials and foodstuffs are the greatest need. Missions come and missions go. We know what is the result of the Roger Mission. Nothing has been done. The mission which is coming from America may bring forth some fruit, but I doubt very much, and it may be consigned into the limbo of the Government archives again. I have read in the papers that there is great objection to the mission coming to this country. Why? Simply because formerly when Indian experts, traders, and merchants suggested production of certain very necessary articles of production for the country Government never cared to listen. Today the production of motor cars, production of transport articles—Government never cared for them. Sir Frederick James suggested about transport, but how is transport to be carried on when you are taking away the rails even from this country? The time has come when you must look to the interests of India more than to the interests of Europe or any other country. What will be the fate of yours tomorrow? Malaya is gone, Rangoon is gone, Burma is gone, what will be your fate before you ask me what will be my fate? I ask you in the name of your own country to consider the condition prevailing in India. You ought to look to production. You must think first of India's requirements before you think of those of other countries. With these remarks I resume my seat.

**Mr Umar Ali Shah** (North Madras Muhammadan) I rise to support the Production Department cut which has been introduced by my Honourable friend, Sir F. E. James, before the House. Production is the most important thing in India. This is the time to absorb the Production

[Mr Umar Aly Shah]

Department as there is in America and England. On account of war declared by Japan in Pacific all sea ways are barred. All imports are stopped. By the Japanese menace of sinking, ships are not moved. This is the important time to establish production industry in India. The Empire may think to send those war weapons and other things to India but there is no possibility. Hongkong is occupied by enemy, military is gone. Malaya fell, Australia is in war and in danger, therefore, there is no possibility of import of war weapons and other needs. There are many wantings, many necessities, and handicaps. In this connection there is a grave problem for Supply Department. Supply Department means Purchasing Department. Without purchasing there is no supply. Supply and purchase, these two are giving help to the country, and for war efforts but this production is required. Hitherto the Indian Stores Department and the Contracts Directorate, these two have been buying so many things and war materials. In this, production is neglected as they have no hand in it. I appreciate, in spite of this, that this Department is buying nearly Rs. 300 crores worth of things and War materials. It is no joke, but there is no production capacity in their hands. There is the Commerce Department. That is a great and essential Department, but they have no chances of entering into this Production Department. They are very busy day and night with exports, imports, license rates and customs. They cannot spare their time to improve this production. The Board of Scientific and Industrial Research and Industrial Research Utilisation Board are there. Those are presenting formulae and processes on scientific basis for fostering big industries and establishing factories in our country. The most important time has come to support our country. India is in grave menace of Japanese attack. This war effort should have increased production on large scale with vigorous intensity through a separate department of this category. But the country is not in touch with these people. They did not take any interest for the speedy execution of the War effort. There are many moneyed people in the country but they are not giving a good deal of help to the Government. There are many capitalists in the country. They are not at all in a position at present to come forward with large investments to establish factories of various categories for the speedy execution of the War effort. For they have been confronted with two kinds of fears. One is that after the war what kind of policy will be adopted by the Government is not at all known. If they do not give protection to the factories they have to incur a serious loss. The second is that if the extra material is not utilised by the people the loss is still more greater. At the present moment, the belligerent countries are preparing so many weapons but our Government is doing very little in this direction. The country is ready to make rapid strides in ship-building and automobile industries but the Government give no help. All this is very sad.

**Mr. Chairman** (Lieut.-Colonel Sir Henry Gidney) The Honourable Member has one minute more.

**Mr. Umar Aly Shah.** I am afraid the Supply Department is not helping the war effort as much as it could. For this purpose a Production Department is required which can inaugurate so many big factories.

**Mr. Chairman** (Lieut.-Colonel Sir Henry Gidney). The Honourable Member's time is up.

**Mr. Umar Aly Shah:** Sir I support this entire motion.

**Sir Henry Richardson** (Nominated Non-Official). Sir, as one who has had to criticise very frequently in the past the Supply Department and as one who has had very close dealings with them and who has had to bring sheaves and sheaves of papers to them with complaints, I claim that I can speak on this matter with a good deal of personal experience. First of all, I would like to join with my colleague, Sir Frederick James, in the tribute which he paid to the Department and its personnel. I have had very considerable dealings with Mr Jenkins who, of course, has been longer in his position than the Honourable Member. And if anyone within the whole Department has tried his level best to remove some of the difficulties we have had, that honour and that work Mr Jenkins can justly claim and I give him full credit for it.

Now, this vast organisation which is called the Supply Department is very difficult for the ordinary person to visualise, but as a businessman who knows what one's own department in one's office means, we can to a certain extent visualise the tremendous implications and the vast amount of work that has been done in this organisation. I remember about a year ago when we were discussing difficulties and there was great criticism being levelled at the great increase that was being made in the Supply Department, someone made the remark "Before the end of the war, the whole of the Government of India will be, in fact, the Supply Department." And that is what the whole thing really amounts to. But to come back to the question which my friend, Sir Frederick James, has raised, I am very glad that my friends in the House have given their support from one or other varying points of view. You may argue that it would help industrialisation of India and you may argue from other points of view, but what we are arguing about is one thing only and that is this war effort which you all agree is immediate and cannot be left for one single moment. We say that, knowing as we do the tremendous burden that falls on the Honourable the Supply Member in his present position, it is absolutely impossible for him or his present staff to adequately survey and investigate all the necessary avenues which must exist in India for increased production in the various war commodities which we are so essentially needing today in the altered circumstances. Going about as I do in Calcutta and other business places in India, I frequently meet factory managers, commercial people and experts who have had dealings with the Supply Department on various problems which they themselves have had experience in. And you frequently hear the criticism why does the Supply Department do this? Why does it do that? And why it does not do the other? Now, I know perfectly well that a lot of these suggestions are futile, but I think that there must be a great amount of good in many of them. It has always seemed to me a great pity that we have no organisation whereby those suggestions can be collected and investigated. I know you have various Committees in various parts, but I do not think that you get the real value that you might have by having regional direction which my friend has suggested. Some of these suggestions emanate from actual experience. You will remember when the Russians sent a mission to England, one of the things that they remarked after it had left was "If you want to know where your production may be speeded up, ask your workers." And it is surprising, when you go round a factory, what good ideas emanate from even some of the lowest people. They are there, they see probably more than anyone else where production can be speeded up and where some minor detail can be attended to which is overlooked by those who are far too busy with higher responsibilities. I do feel that the time has come when we have got to

[Sir Henry Richardson]

have experts going round who can listen to these things and have the power to investigate them and do something on the spot

My friend has mentioned red tape I have stressed the necessity for the scissors time and time again I do not blame my Honourable friends in Government Departments, for the system which has grown up is not due to their fault I know very well in my own office how difficult it has sometimes been to wean a person after he has been doing some particular thing in some particular way It is comparatively difficult to get him out of it and to begin doing it in a new way It must be increasingly so with Government But I do urge and I do plead with those who are in charge of this big department to do all they can to stop the circulation of files, the system of noting, the system of passing one thing on to another without any plausible action being taken on it We know from our own experience in business, how long it takes to get replies out of certain Departments It is the fault of the system We have no time for it Now we must stop these peacetime methods and get down to a method which is more in realty with the spirit of the times we are going through, otherwise, I am very much afraid that we shall be left like those other places and we will have this message given to us from the Governor of some place or other "Now is the time that red tape has got to cease" Sir, I will not take up the time of the House any more, but I do plead for serious consideration of this suggestion which is made in the light of the existing circumstances and with all due regard to the heavy work which the Honourable Supply Member has on his shoulders and we do hope that something will be done to increase war effort in the manner that we are suggesting

Mr N. M. Joshi (Nominated Non-Official) Mr Chairman, I agree with Sir F E James fully that production in India must be speeded up While suggesting various methods for speeding up and removing impediments, Sir Frederick James suggested that the Government of India must put a stop to the strikes that sometimes take place in some of the industrial establishments He did not tell us the method by which these strikes should be stopped Perhaps, he does not know that whether the Government of India are speeding up production or not, their production of industrial materials, they are at any rate speeding up one thing, that is speeding up the production of ordinances to prevent strikes There was already an ordinance to deal with strikes Whether the Government of India had received some hint from my Honourable friend, Sir Frederick James or not, but only two or three days ago, they produced another ordinance to deal with strikes Let me make it clear that I admit that during the war time the right of labour to go on strike will have to be restricted I admit that fact, but if you depend upon your ordinances to prevent strikes to get the best production, you are mistaken You can only get the best production from the workers if the workers are contented The Government of India, as I told you, have produced two ordinances to prevent and regulate strikes, but I have not yet seen one ordinance compelling employers to deal with their workers fairly and justly I would, therefore, suggest to the employers in this country and to the Government of India that this is not the time to try to get the best production by stopping strikes by ordinances In the first place, you have not got enough jails to put industrial workers in jails, if you try that method But if you try to get their willing co-operation, if you deal with them with justice and fairness, there would be co-operation and as Sir Henry Richardson pointed

out, you will then get the best production in the Indian industry. I, therefore, suggest to the Government of India to accept the suggestion which I made only a few days ago that what is needed to get proper production in Indian industries is to establish co-operation between Indian workers and the Indian employers and the Government.

**Mr. E. M. Jenkins:** Sir, my Honourable friend, Sir Frederick James, has moved this very important motion in a speech which deserves the most careful consideration of Government. I am sure that I am speaking for the Honourable the Supply Member when I say that he much appreciates the kind references made about him, as I also appreciate the very kind references made about myself. If I have followed the argument correctly, it is this—first, in the present war situation, we must get, and get at once, the maximum industrial production we can; secondly, that the Supply Department as now organised is not, for one reason or another, capable of getting that production, and thirdly, that the remedy is to establish a Production Department entirely separate from the Supply Department which would concentrate whole time on production problems to the exclusion of everything else.

Now, Sir, I do not think that there will be any Honourable Member found in this House to quarrel with the first step in that argument. I entirely agree with everything that Sir Frederick James has said about the great gravity of the position in which we now stand and of the need for the most urgent and pressing efforts to put our supply position on a better footing. But when we come to the second and third parts of the argument, we are, I think, on more controversial ground. It is easy sometimes in dealing with a situation to treat the symptoms, and in treating the symptoms to do a certain amount of harm. I feel, Sir, that this House must get down to a diagnosis of what is wrong before they decide upon what remedy, if any, is to be applied. In the first place, I am not clear what Sir Frederick James intended when he drew a distinction between supply, which he described as the application of a short term policy and production which he described as the application of a long term policy. In the Department, we have never made such a distinction and I fear that some confusion may have been caused by the retention for the New Delhi Executive Branch of the organisation of the name that was originally given to the Department as a whole when it was first started on the outbreak of the war. The Supply Department is, in fact, organised as a Producing Department working on long, and in some cases on very long term programmes, as I shall try to explain. If production were removed from its sphere, the Department would really cease to exist as a Supply Organisation. It may be argued that that would not be a bad thing, but the implications of the separation of production must, I think, be clearly understood.

I must, perhaps, amplify what I have said about the manner in which the Department is organised. It consists of several parts. There is, in the first place, the Central Secretariat, which need not detain us. It is the instrument through which the Honourable Member in charge exercises his control, and apart from the fact that it is slightly larger than the other Departments of the Government of India, it does not differ in principle from them in any way. Then, I do not propose to deal at any length with the six Controllers of Supply, though we have there, in a rudimentary form, the regional organisation which Sir Frederick James thinks should be set up. The work of the Controllers has varied greatly. In at least

[Mr E M Jenkins]

one area, the Controller has done very well indeed. He has a strong technical staff which works under him and the head of the technical staff is his Deputy. But as I have said, I am not at the moment going into the question of the Controllers. The two great organs of the Supply Department are the two Directorates General. There is one at New Delhi which we call the Directorate General of Supply and which is responsible for all light industries. The other is at Calcutta and is known as the Directorate General of Munitions Production. It is responsible for heavy industries. These two Directorates General are standard organisations working on precisely the same lines, and responsible in the widest sense for all supply operations, including production in their two distinct sections of industry. From New Delhi, the light industries are handled and from Calcutta, the heavy industries, including the Ordnance Factories, the private Engineering workshops and so on.

Now, Sir, it is necessary to be quite clear as to the internal structure of these two large bodies. Each Directorate General consists of Directorates which are responsible for planning and for production. The staffs of these Directorates consist of men very often taken from the business field who are familiar with the types of stores for which they are responsible. Alongside of them there are contracting sections which are responsible for all the legal and contracting work. Each Directorate is specialised on a particular class or on particular classes of stores and is responsible for seeing that steps are taken to meet all demands placed upon the Department. These steps include production and if the prescribed procedure is followed, which in some cases I know it is not, every demand entering the Department is scrutinised in the appropriate Directorate so that if it is novel or large or in any way difficult adequate steps are taken to see that the goods required to meet it are not merely bought, as one Honourable Member suggested, but produced.

Now I can dismiss very briefly the Directorate General of Supply. Its principal features are as follows. It has eight Directorates all of which are entirely distinct. There is no chance of their ever overlapping. However careless you may be, you can hardly confuse a belt with a pair of boots or a pair of boots with a can of fruit. The industries that this Directorate General is dealing with are relatively powerful like the cotton textiles industry and the jute industry, and it is possible to operate on what we call the forward programme principle. Very large demands are placed upon the Directorate General at the beginning of each year, and then bulk orders are placed on an industry for a period of six months with a definite assurance that there will be a follow-up in the second six months of the year. This principle is well established and the result is that on that side of the Department we have a rapidly rising production curve. Thus, we made 212,000 garments in the Clothing factories in September, 1939, and we were making over eight million a month by the end of 1941. In leather manufactures, the value of production went up from 64 lakhs in 1941 to 168 lakhs in January, 1942. The programme for assembling and body-building of vehicles is already prepared for 1943, and in that year it will be more than double the programme for 1941. The big bulk orders for cotton textiles which have just been placed, are 700 million yards for 1942. War equipment which is a new manufacture provided for in the Chatfield programme and started since the beginning of the war, will reach a part of order over 400,000 sets a month in this year. The

woollen mills are 100 per cent on war work. But I do not think Sir Frederick James was specially worried about the light industries, and I may leave them there.

I turn now to the Directorate General of Munitions Production, dealing with heavy industries, and organised on much the same lines as the New Delhi organisation. The work is very different, and much more difficult. This Directorate General is in charge of the Ordnance Factories and their expansion,—no mean job. It is also responsible through separate Directorates for metals, shipbuilding and the civil production of armaments, that is, the production of munitions and so on in trade workshops, and engineering stores of all kinds. The first big difficulty in Calcutta is that all these Directorates are drawing on a common pool of steel. I am not giving anything away by saying that although the production of steel has increased by 30 per cent since the war began, through the efforts of the great steel companies, we could quite comfortably consume twice as much steel as is being produced in India today. The position is being relieved by imports from the United States, but we shall be short of steel throughout the war.

**Maulana Zafar Ali Khan.** Sir, I do not like to interrupt but I should like the Honourable Member in his speech to throw some light on the question whether this production includes mechanised paraphernalia, i.e., aircrafts, ships, locomotives, etc.

**Mr E. M. Jenkins.** I will endeavour to deal with that.

Again, a simple forward programme policy is less adequate here than in the case of the light industries, because the demands for engineering stores vary with varying theatres of war. Things that are suitable for the western desert are not necessarily suitable for a jungle in the Far East. Finally, the Calcutta side of the work is of a specialised character and much of it turns on very long-range planning. Here, again, owing to shortage of time, I am going to omit any detailed discussion of the problem of engineering stores or of ordnance stores involving the use of metals. They are interesting subjects, we have done indifferently in some respects in handling them and in other respects we have done reasonably well. But I do not think that the Mover of this motion was very deeply concerned with those things which are not absolutely essential for winning the war. Munitions proper is what is really meant. There are two ways of making munitions, you can either establish specialised capacity or you can use existing capacity. Now, by far the most satisfactory long-range arrangement is to establish special capacity, to lay everything on, in balance, and to provide not only the tools that you need designed for the job you want to do, but also the personnel trained for that job. The use of existing capacity is in some respects quicker. It is quicker in getting started, and in making you think you are doing something, but it is slower in the long run because you have the problem of balance which I shall revert to later. You have the fact that machines are not suited to their jobs and you have the fact that the personnel are not trained, or are not trained for the particular job required of them. When you set about establishing specialised capacity you come up against one enormous snag. Not so very long ago, I was in a state of comparative innocence on these subjects; and I believed that the establishment of a factory to make rifles or machine guns or tanks was an easy business. In point of fact these things take not months but years. You have the time factor which would apply in

[Mr E M Jenkins]

peace time, but you also have the fact that the countries upon which you depend for your supply of machine tools and personnel are also under the stress of war, and that you are not going to receive necessarily everything you want from them. The catches in any attempt to use existing capacity as opposed to specially created capacity are pretty obvious. But the most important, and the one that occurs least to the layman, is the question of balance. Take a very simple thing,—a quick firing shell. It consists of a brass case, a steel shell body with a copper driving band, a brass fuze and some other articles which I need not enumerate. But these are the three main components. The brass case is very difficult and you have to have special machinery for making it, the fuze is less difficult and we make some of them in the trade now. The shell body is easy and we can make more shell bodies today or within a few months than we could absorb in India. In the last war we exported considerable quantities of these empty shell bodies to balance the production in the United Kingdom. We have had orders for empty shell bodies earlier in this war but they are not wanted now. Therefore, generally speaking, it is useless to make more shell bodies than you can balance with your fuzes and your cases. This then is the over-riding difficulty of getting every machine in the country turning over and generally acting, as Sir Frederick James recommends that we should, the danger is that unbalanced activity would be useless.

Now we have in this country employed both methods—the establishment or Specialised Capacity and the use of existing capacity. I do not think the House has realised the importance either of the Chatfield or of the Roger Mission projects. There were 16 Chatfield schemes, or rather 14 Chatfield schemes, and two schemes sanctioned afterwards one of which is very important. All these have been launched and some of them are in production. And I think I am right in saying that they will all be in production by the end of June. That gives us some idea of the time required for these schemes, the House will recall that it will be the third year probably from the time when these various schemes were finally sanctioned. The Roger Mission which did not come out to industrialise India, and did not come out to protect vested interests, but came out to advise the Government of India as to how far they could go in setting up munitions production, having regard to conditions in the United Kingdom and the probability of the supply of tools and so on from there and the United States, did not make a voluminous report which was filed in the Supply Department. The Mission made twenty-one very snappy reports, each one proposing a separate scheme, and each one of which, with one exception, was telegraphed home in summary by me within seven days of its receipt in my office. Of those schemes, for which His Majesty's Government in the United Kingdom are paying, one was half-hearted. We asked the Mission to prepare a scheme to make a certain weapon and they prepared it and said that they did not recommend that we should make it because they thought we could not make it. That went out. One other scheme was rejected by His Majesty's Government, so that out of the lot 19 schemes remained. Since then we have propounded two more of our own, making 21 in all. So that you have altogether 37 schemes—16 Chatfield and post-Chatfield and 21 Roger Mission and post-Roger Mission—now being executed by the Supply Department. All the Roger Mission schemes are well in hand. We have in some cases quite large buildings awaiting machinery which has not yet arrived. The Roger



Mission schemes were due to come into operation if all had gone well by the third and fourth quarters of this year. My own estimate now, at the rate at which machine tools are coming forward, is that the whole collection of projects will not be completed and machinery will not be functioning until June, 1943. With the extent to which we have used the first method—specialized capacity—we have taxed the resources of our technical staff to the utmost, and indeed the Roger Mission placed on us a burden which they thought was the maximum that we could carry, and the maximum to which the United Kingdom would support us in their own dire supply needs.

We have apart from that used the second method—the use of existing capacity—very extensively indeed but with very varying results. The House must remember that India has no great production engineering industries. It has no factories, as one Honourable member has said, producing motor cars, typewriters, bicycles and other similar things. There are no large specialized machine shops which can be turned over with little adaptation to the production of specialized munitions components, like fuzes, but we have all the same been able to get a great deal of capacity in civil shops for munitions components, including shell bodies, fuzes and other items. I acknowledge with grateful thanks the ingenuity of many of our engineers in India who have used old and unsuitable tools to get quite promising results, but I would like to tell the House one thing and that is that as compared with specialized production this casual production is slow. When in a specialized fuze shop we were running at our peak and doing with ease a very large outturn of fuzes, we tried at the same time to manufacture the same fuzes by the method I have just mentioned. It took us one year of really hard work to get up to 1-10th or rather over 1-10th of the output of the specialized shop. What results have we achieved to date? I can give them, Sir, only in the usual nebulous and unsatisfactory form. Since the outbreak of the war the output of small arms ammunition has trebled. It will probably double itself again in the course of the next twelve months. The output of rifles has been quadrupled. The output of light machine guns has been quadrupled. The output of gun ammunition has been quintupled. Now, if you ask me if these results are satisfactory, I will say 'No', if the object is to make India self-supporting in munitions. I know India is not self-supporting in major munitions and it is necessary to face here and now the hard fact that she will not be self-supporting in major munitions in this war. As I have tried to explain, the Ministry of Supply Mission came here not to make us self-supporting, not to industrialize India, but to see what India could do while the war was actually going on and in the face of all the then existing difficulties. The American technical Mission may help to fill the gaps, and I endorse all that Sir Frederick James has said about the way in which that Mission should be regarded. We know already that the Mission will consist of small number or practical men who will devote themselves to particular deficiencies and see if they can get over them. We have had cases in which a new plant has been held up for one small part lost at sea, and in these and larger matters we feel that a team of Americans with their wider outlook on great industrial problems may be of the greatest assistance to us.

Now, Sir, from what I have tried to say, I think it is clear that the gaps in India's munitions production are due less to defects in organisation than to difficulties inherent in the supply position as a whole. I should be the last to claim that the Supply Department is one hundred per cent efficient, but these are the fundamental causes which it

[Mr E M Jenkins]

would be unwise and even criminal to ignore. The organization is far from perfect, but no change in it—and I should like to be quite clear on this point because it cannot be said too often—is going to make any very significant change in output.

Finally, I turn to the remedy suggested by Sir Frederick James, which is to separate Production from Supply, and to have a Production Department quite independent of the Supply Department. I think it necessary to warn Members against following the analogy of the United Kingdom. There you have three great departments responsible for production, and competing for the attention and the favours of an equally powerful industry. From the start, I think, there has been a need there—as in other very highly industrialized countries—of a co-ordinating authority, and, ultimately, as we have seen a Minister for Production has been appointed there. But in India production from the beginning has been centralized in the hands of the Supply Member. Therefore, if you create a separate Production Department, you either superimpose it upon the Supply Department or you split the Supply Department into two pieces. If you superimpose, you are really reducing the Supply Member to the position of a Deputy. I do not think that that can be intended. If you split the Supply Department up there are two ways in which it can be done. You can revert to the system of 1940, in which you have your contracting side separate from your production side. I am very much opposed to any change of that kind.

We have been told today something about 'red tape'. Red tape is supposed to be a disease which attacks Civil Servants, but actually it attacks all human beings who are engaged upon any common task, where the part of each is not clearly defined, leaving individuals in a position in which they can give way to those very human failings—laziness and obstinacy. If your production and your contracting are separate, Mr A has to send a file to Mr B saying, "I think we ought to get our boots made at So and So's, and he seems to be ready to play on a price of so much." But Mr B is in an entirely separate department responsible for the contracting part of the work. He says 'Oh, no. I do not agree with you. I think I can get a better boot from some where else'. And so the work does not go through. We went through all that in 1940. Sometimes one side was right and sometimes the other, until we got tired of it and we got down to the real solution, which is team work. In every case in which the Supply Department has done a good job it has been done by a team consisting of the production man who understands how the thing is made and how it ought to be made, the contracting man who knows something about price and the legal implications of contracts, and the often-abused but extremely useful representative of the Supply Finance Department, whose part in the war effort is so insufficiently acknowledged. It is when those people work as a team and do not push papers about the office, but see each other often and explain what they are going to do, that the work goes on properly. That is the standard organization prescribed in the Department. Where we have failed, the orders have been disregarded.

Finally, there is one more point to which I should like to draw the attention of the House, and that is the problem of staffing. We are short not only of technical men, but we are short of first-class administrative men from business, the Civil Services and so on. We have drawn—and I gratefully acknowledge the fact that we have drawn—on the big commercial houses in India who have given us some of their best men. But I

tremble to think what would happen if you tried now to set up yet another Department or the Government of India. If Sir Frederick James and Sir Henry Richardson could give me twenty first class men now, I would find work for them now, which would employ them better than starting another Department.

The remedy, I think, lies not in starting another Department but in strengthening immeasurably the regional organisations we already have, and in trying to get within the Directorate General and under the Directors General who, you must remember are independent men—they do not come completely under the thumb of the Secretariat, they do not keep on referring things to Delhi all the time, and are free to do their job as long as they follow the policy of the Supply Member—to put under them men who have time to think of these problems, to form and to see that capacity when available, is used. But it is not always easy to use floor space in shops, partly because of the problem of balance to which I have already explained, partly because of lack of power, and partly because of lack of machinery.

To summarise, Sir, the Supply Department is handling production now. The difficulties in our present situation are inherent in the supply position and not, I feel, in the organisation which, I believe, to be more or less on the right lines. The Supply Department is not 100 per cent efficient, no organisation in which I have ever worked in India has been 100 per cent efficient, and the Supply Department is no exception to that rule. But it has tried to do its job, and I believe that if it is looked at from that point of view and if it is compared with all the organisations that are doing war work in India, including even the Army, you will find that there are few more devoted men than the officers and clerical staffs with whom I have the honour to serve. I suggest that the creation of a new Department at this juncture when we are facing several extremely urgent and extremely difficult administrative problems, into which I cannot enter now, might lead to an administrative chaos.

**Dr. P. N. Banerjee** Sir, I entirely agree with my Honourable friend, Sir Frederick James, that production of munitions should be expedited to the utmost possible extent. He is perfectly right when he says that lack of foresight and imagination has been responsible in the past for the present lamentable state of things. My friend, however, has forgotten to mention that the root cause of the present deficiencies in munitions lies in suspicion and distrust. However, the situation is grave and it is no use raking up old sores. We should all do our best to put forth our utmost effort, in order that munitions of all sorts may be produced with the least possible delay in this country. But I am afraid I cannot agree with my Honourable friend when he says that the creation of a separate Department will by itself solve the problem. Far from solving the problem, the creation of a separate Department may give rise to further complexities and administrative difficulties, and that will cause further delay in the production of munitions. Therefore, while I hope the Honourable the Supply Member will take note of the constructive suggestions which have been made in this House, he will not accept the proposal to create a separate Department but employ such agency as is available in order to further the production of munitions to the fullest possible extent.

**Sir F E James:** Sir, I do not want to deprive the Executive Council of the sinews of war, even to the extent of a hundred rupees, and, therefore, I beg leave of the House to withdraw my motion

**Mr Chairman** (Lieut Colonel Sir Henry Gidney) Has the Honourable Member the leave of the House to withdraw his motion?

**Honourable Members** Yes

The motion was, by leave of the Assembly, withdrawn

*Central Government's Policy in Regard to Civil Defence*

**Mr O P Lawson** (Bengal European) Sir, I beg to move

"That the demand under the head 'Executive Council' be reduced by Rs 100"

We offer no apology for raising this cut motion, for as my Honourable colleague, Sir Frederick James, has just said, the battle of India is just about to begin. The problem, therefore, is urgent and we raise this cut in no way as criticism but in order that we may get from this House helpful suggestions in the problem and, we hope, an exposition of the steps that are being taken from the Government side. We all have a basic right to keep alive if we can, and we all have a duty to try and help other people to keep alive, and that is at the back of civil defence. The functions of the Central Government in this respect are not entirely clear to us all. We know that the Civil Defence Department at the Centre is advisory, but we would like to know to what extent it is also supervisory. In my own province, in Bengal, we are budgeting for no less than Rs 4 crores, during the coming year to be spent on civil defence, and a large portion of that very large sum is going to be carried by the Central Government. I think from that point of view alone, the Central Government has the responsibility of seeing that that money is well spent. You have your ports, your railways and your war factories—all Central subjects, but in protecting them your Provincial arrangements cross that protection. We would like to know whether the Central Government is satisfied with the steps that provinces are taking to safeguard those Central subjects. On the matter of organisation I am frequently told that A R P, for instance, follows the best home procedure and that this procedure is the result of real experience. I acknowledge that that is a good principle, but I think we must consider what differences exist in this country, from the conditions that exist in bomb blitzed Britain.

To start with, to my mind first comes the large illiterate population, and next, the difference in the dangers that we face. In 4 PM England, undoubtedly, they were facing extensive and heavy bombing operations, from the anti-personnel bomb to the incendiary bomb and the half ton mine which came down on a parachute. Our dangers are not, I think, the same. We face a lighter bomb load, a less universal attack, but possibly concentrated attacks on various points. I think that these aspects of the problem induce possibly amendments to the British method of organisation. The buildings also in London will differ from say, the buildings in the North end of Calcutta, and that again will require special consideration. But to go back to the point of the illiterates. What do they know of civil defence and do they get simple and correct

information? The problem, Sir, to my mind, falls into two divisions, and for the sake of convenience, I will call them (1) the practical and (2) the technical. The practical side was learnt in Rangoon and Malaya by bitter experience, and I think it is correct to say that Rangoon found that four-fifths of their technical training was useless. May I read to you, to illustrate this, a short extract of a broadcast given by Mr. Bisseken, non-official member of the Straits Settlement Legislative Council, on the Singapore Radio? He said

"There were innumerable and entirely unnecessary casualties, because the population failed to observe the first elementary air raid precautions. An enormous percentage of these casualties suffered from wounds above the level of their knees, and there is no doubt about it that the great majority of the people would be well and safe today if they had lain down on the ground, the moment the bombs started falling. There was no labour for days, there was no transport for days. The light was there, the water was there, the food was there. I can think of nothing that was not there except the man power essential for the functioning of the city."

Now, that, Sir, to me shows the vital importance of the practical side of this problem. Mob hysteria, panic, lack of leadership, these will be the problems that we must face, and I would like to be certain that those problems are being faced by every method that we can employ. An illiterate person may be just as brave as a literate person, but in circumstances that are new to him, he becomes confused, and his confusion leads to panic. Auxiliary Motors may not come, labour may disappear for a time, helpers may be immobilised. The answer today to all that, to my mind, is that the illiterates must be led by the literates. At the moment the illiterate population is relying upon rumour, because to a very large extent it is not receiving simple and correct information. What is being done to replace these rumours? It is a question of public discipline. Everybody must work in one direction without parallel organisations, and with one definite purpose. There is also, I think, the possibility which has not been completely exploited, the possibility of more practical exercises. I admit the difficulty of this, because I see the possibility of promoting panic, but I also feel that by means of an article known as Bomb—incendiary practice, possibly a realistic show, might be put up which would show voluntary workers, voluntary transport and the people themselves just how the public would be likely to react, and possibly give the police and other officials very useful information.

Then, Sir, I rather question whether it is wise to distribute Air Raid Wardens over wide areas where they will work possibly by themselves. A very large percentage will see nothing of the raid. The rest will have too much to do and no one to help them. I rather favour the localising of technical help. I do not know how far it will be practicable, and I speak as a layman, but it seems to me that if you could have your technical air raid services in this country organized in certain well defined and self-contained centres, it might lead to more efficiency, in that it would give better leadership and the ability to go to isolated scenes of bombing, cordon off the area and deal with it. I think possibly that this has already received attention, but I do not think that such attention is by any means universal. I have, for instance, heard,—I regret to say,—from no less a person than the Honourable the Home Member speaking in this House that it was proposed to use trams as ambulances in the City of Delhi. Trams here have overhead wires, and I know that anti-personnel bombs while damaging buildings, not at all, do damage overhead wires, and I also know, although I am not an electrician, that the breaking of an electric circuit stops the electricity from functioning.

[Mr C P Lawson ]

Then, Sir, the more concentrated effort that I suggest in concentrating the various technical services to deal with a specific portion of a town would deal with attacks on special areas such as docks, power houses, water works, goods yards, war factories and so on and these, to my mind, at any rate for some time to come must be our danger points.

Now, Sir, may I speak for one moment about medical arrangements? Here again I realise the great difficulties involved, and I gather that the deficiency in doctors is one that most Governments are finding great difficulty to get over. I think that we shall have to make a very great effort to recruit more doctors and also to recruit them definitely and attach them to the service so that they are there when they are needed. I have no great opinion of voluntary services if they can possibly be replaced by compulsory service, because I feel that voluntary service is never quite efficient, and, particularly, do I apply this to the medical services. It is also a part of civil defence to consider the treatment of the casualties which will result from bombing. And here may I refer again to the necessity of forming Blood Banks in India? In a place like Brisbane of some three lakhs inhabitants, there are no less than six thousand regular donors of blood, and it seems to me that there is no reason why an equivalent organisation should not be produced in India and produced as soon as possible.

[At this stage, Mr President (The Honourable Sir Abdur Rahim) resumed the Chair.]

The advantages of blood plasma in dealing with all kinds of wounds which undoubtedly will be found as soon as the bombs begin to drop are enormous and I should be glad to hear that steps are on the way.

Sir, in conclusion, may I emphasise that this is a problem in which we can and must all help. We all have our contacts with the illiterates and we have some of us, jobs in connection with municipalities and other public bodies, not to speak of political parties and so on. It is possible, if we have the will, to get simple, correct information to the illiterates through the means at our command, but if we rely merely on official services, such as the police and so on, I despair of ever doing any more than scratch the surface. We have now passed the time when we consider the ethics of war and we have passed the time when we wonder whether it is right or wrong to fight. We have now reached the time when we have got to look after our own skins and to look after the skins of other people. So I appeal to this House, and indeed to every right thinking person, to do everything to help in this very important matter of civil defence.

**Mr President** (The Honourable Sir Abdur Rahim) Cut motion moved.

"That the demand under the head 'Executive Council' be reduced by Rs 100."

**Lieut.-Colonel Sir Henry Gidney.** I have very few remarks to make on this motion. I consider it is a very desirable motion and Mr Lawson has gone into so thoroughly that I have very little to add to what he has said. There are, however, two points that I should like to stress at this stage. One is the paucity of blood plasma depots. I think the time has long gone when the Medical Department who are responsible for this, should have had an adequate supply of these depots scattered all over India. Indeed every regiment going into action should be so supplied. I know few places where there is a limited supply, but we want many more depots.

The other point to which I wished to refer is this. It concerns the personal defence of the A R P. I had an occasion on a previous motion to mention the absence of any means for those men protecting themselves against an invasion by parachute troops, and I suggested a measure which evidently has, so far fallen on deaf ears. I should like the Honourable Member to listen to what I have to say. I know not whether it is possible, but it strikes me that it is possible. Let us for a moment imagine that Japan has crossed the eastern boundaries of India. What protection have the A R P or those men engaged in civil defence against parachute troops? As far as I know, none.

**The Honourable Mr E Raghavendra Rao** (Member for Civil Defence) May I inform the Honourable Member that parachute troops is the concern of the Defence Department and not of civil defence?

**Lieut.-Colonel Sir Henry Gidney** The Honourable Member gave me that reply last time and I accepted it. But I feel I must repeat it for truth merits repetition even though the Honourable Member is not in charge of the Defence Department. I do not mean that it is the Honourable Member's concern, but I desire to repeat on the floor of the House as apparently no notice has been taken of my suggestion.

**Dr. P. N. Banerjee** Protection is necessary.

**Lieut.-Colonel Sir Henry Gidney** Government can ascertain from the various Provincial Governments how many arms have been distributed throughout India. Those arms are not being used to-day for self protection but for destruction of bird and animal life. Of what use are these arms in the possession of those men when they can be better used by being recalled voluntarily, if not compulsorily and distributed, as was done in England during the early days of the war, when the A R P (now called the Home Guards) were supplied with any old muzzle loading gun but since replaced by modern weapons.

**The Honourable Mr E Raghavendra Rao** A R P and Home Guards are two distinct bodies. The Home Guards is under the control of the War Office and civil defence has nothing to do with it.

(Interruption by Mr Husenbhai Abdullabhai Laljee)

**Lieut.-Colonel Sir Henry Gidney** Then we had better get rid of the word "defence." Let it be made into "offence." These A R P are not defending a wood or a house or a stone but their own lives when in the performance of their duties and I think the two Departments are inseparable. I know that one is for purposes of defence and the other is under the Honourable Member's portfolio, but they are so intertwined that you cannot separate one from the other. I wish the Honourable Member to realise that I am not criticising his Department. I am suggesting what I consider a very important factor in A R P work and which I must admire. I again stress, if the Honourable Member will kindly take note of what I have said, and if necessary, convey the same to the Defence Department to this extent, viz., here is a measure which, if properly used, would arm hundreds of thousands of men engaged in this A R P work with a means of protecting their lives.

**Maulana Zafar Ali Khan:** I thoroughly agree with Mr. Lawson in what he has said. I also agree with Sir Frederick James in the attitude that he has taken up with regard to the question in connection with production. British Imperialism has proved a broken reed so far as the Far East and the nearer Far East are concerned. We have been watching it from the day when Hongkong was gone, from the day when Singapore, Malaya, Sumatra, Java, Celebes were gone. And we are watching it now when Burma is slipping from its hands. Imperialists twist us with inefficiency but they represent the most inefficient system that ever existed on the surface of the earth. They have not been able to defend Burma and they have not been able to defend Singapore, and now they come to us and talk of civil and military defence. What is this civil defence? I will tell you. Mr. Lawson may have placed before you the British point of view but I place before you the Muslim and the Hindu point of view.

**Sir F. E. James:** You are authorised to speak on behalf of the Hindus?

**Maulana Zafar Ali Khan:** Any scheme of civil defence is absolutely futile as long as you do not take the people of India into your confidence, in other words, as long as you do not take the Indian National Congress and the Muslim League into your confidence, the situation will remain critical. If you declare even now—the hour of destiny has struck, that India is free and the people of India are responsible for the defence of their country—I think perhaps the situation can be saved. But while the eastern flank of India is uncovered and from Ceylon right up to Mandalay the enemy can attack you any time he likes, you continue evading the great issue. I hope the enemy will not attack Assam because my Hon. noble friend, Sir Andrew Clow, is going there. Meanwhile from Ceylon right up to Mandalay the coast is clear so far as the enemy is concerned.

I hope in India we will not hear the same old story that there are no aeroplanes and the enemy is superior in number and, therefore, what could we do? While speaking on this subject, shall I tell you a story which I just heard this afternoon? About 60 or 70 mechanics somehow managed to escape from Singapore and went to Australia, but they were not allowed to land in Australia because they happened to be "darkies." Just look at that and this they are doing when Australia itself is in danger of being attacked. The same story is being repeated in South Africa. Poor Indians are not treated as men in South Africa. As a protest they went on strike and started a campaign of civil disobedience. But, after all the people of India are very devoted and very faithful to their old friends with whom they have lived for 150 years. In view of the fact that the international situation was so critical, they called off the strike and gave up civil disobedience. But General Smuts did not appreciate it. He proudly talks of British Imperialism and all that sort of thing. These things are going on and you talk of civil defence. You are adopting measures which are absolutely unnecessary. You are growing panicky yourself. In Delhi which is more than 1,500 miles away from Rangoon you are digging trenches. Why? Perhaps you think that it is possible for the Japanese aeroplanes to come and bomb Delhi. What rubbish. You have to face the enemy, and who is your enemy? Your worst enemy is hunger. People do not get wheat enough to keep their body and soul together. You are talking of aeroplanes and trenches while wheat from India goes to Persia. What right have the Persians to feed at a banquet while the people of India are starving. They cannot get even four seers of wheat flour for a rupee. Do think properly. If today every Indian had



the right of arming himself, the question of civil defence would have been solved in no time. But you do not place any confidence in us. You seem to think that if the people of India are armed, those arms will be used against you. I think these suspicions have been the cause of all your troubles. We, the people of India, have repeatedly assured you that we are with you, we do not want the Nazis, we do not want the Japanese and we are with you. But you do not trust us.

Now, we are hearing of something being done in England where the fate of India will be decided and Mr. Churchill will make some announcement. If that announcement is pitched in the proper key, then perhaps we may get out of the wood. But if the same old story is again repeated that the people of India will be granted the Dominion Status after the war and in the meantime the Viceroy's Executive Council will be expanded and so many of their Indian Members will be placed in charge of big portfolios, then I assure you that the question will remain as complicated as ever. So everything depends upon the attitude which the Government takes up including the question of the civil defence. Every citizen of India, every man and woman of India is interested in safety at the present moment. They are interested in their hearths and homes remaining intact. They are interested in this vital question but they are unarmed. You do not keep them in a fit position to defend themselves against the aggressor. You have to defend against the aggressor. Finally I remind you of your duty and close my remarks with the declaration so often made on the floor of the House here that unless and until you earn the sympathies of the people and take the people of India into your confidence, that is to say, take the National Congress and the Muslim League into your confidence and part with real power, there is no hope for you.

**Mr. N. V. H. Symons** (Government of India, Nominated Official): Sir, I rise with feelings of great diffidence to make a maiden speech in an Assembly whose ears have been charmed by many silver-tongued orators, for, in the course of nearly 30 years' service under the Crown, it has fallen mainly to my lot to do things and to write a good deal about them but seldom and never if I could possibly avoid it, to speak about them in public. I therefore, ask the indulgence of the House. But my task is the easier in that it is a welcome task. Cut motions in the ordinary way are a weariness of the flesh to those who have to deal with them, but the Civil Defence Department is more than glad to have this opportunity afforded to it to hear at first hand what the representatives of the peoples of British India are thinking about civil defence. The Civil Defence Department is an infant department. The Home Department after nursing the embryo of the Civil Defence Department in its womb for two years suddenly gave birth to it last autumn and in the few months of its separate existence it has proved to be a lusty and growing child. Indeed, by some we may be regarded as a Cuckoo in the Secretariat nest for we are constantly demanding more room and more nourishment in the way of funds and we generally get what we want. Not only are we an infant department but to some extent we are working in the dark, for, although we have at our disposal the results of the experience gained in actual uprisings in England, in Burma and in Malaya, we have to try to adapt the lessons which have been learnt in those foreign countries to Indian conditions and to try to prepare in India an organisation not that has worked elsewhere but, one that is likely to work here. No Hollywood film star can have a more efficient press-cutting agency

[Mr N V H Symons]

than is at our disposal and every day every officer in the Department sees a large bundle of press cuttings. We find this vehicle of public opinion often of very great use to us in the moulding of our policy. Not only this, but we have periodical informal meetings with press representatives from which have emerged quite a number of points which were troubling the public mind and which had not struck us. We have taken action on those points and we are most grateful to the press for having brought those points to our notice. Sir, it will appear from this that we are, I will not say, sensitive, because that word implies perhaps effeminacy. Though I may be a maiden in regard to my speech, I assure you there is nothing rashly about me or about other officers of the Department. When we are, so to speak on our own ground, we might even be thought to be a rather hard bitten lot. Every senior officer who is concerned with the formulation of policy has actually fought in at least one war and we do know something about the kind of things that happen to human beings and to property when high explosives are let loose among them and not only what happens to soldiers but what happens to civilians. Throughout the Department, an intense spirit of realism is insisted on at all times. We settle things very largely by conference and discussion and not by lengthy noting on ponderous and slow moving files. We make no attempt to dispose of files and get rid of them, but we are always attempting to find solutions which are going to work on the ground and I think I can truly say that for the red tape of which we heard so much this afternoon, we have in this Department substituted live wire. From the Honourable Member down we prefer personal contact to lengthy written instructions and correspondence as regards both our dealings at the Centre with other Departments and dealings with the Provinces. So, Sir, though we might object to being called sensitive, we do claim that we are amenable to criticism, advice and suggestions. Our ears are open, our minds are receptive and we want to know what people are thinking and in what way we can develop this most vital and urgent matter of civil defence so as to carry the whole of the people with us.

I feel grateful to the sponsors of this cut motion for having publicly brought to notice some points which are troubling them and if I might, I should like to do something more than merely thanking them. For my Honourable friend, Mr Lawson, I can do nothing at the moment beyond putting him or my "white list" which is the opposite of a "black list". For Sir Frederick James, I may perhaps be able to do a little more. The other day, Sir, when he was speaking, just as I was thinking how peculiarly sprightly he was, at any rate from the distance at which he was from me, he startled me by referring (I cannot remember his exact words) to his advanced years and his backward Hindustani. Well, Sir, as regards Hindustani I cannot do very much, it would be a case of the parblind leading the blind, there are other Honourable Members of this House who perhaps can help him there, but as regards his statement of his advanced age, having played this card on that occasion, he may be rather in a difficulty on some future occasion when he wishes to claim the sympathy of the House. I make a present to him of a delightful phrase I once read in a petition in Bengal where the petitioner referred to himself as an "old old man with one leg galloping towards the tomb". Sir, the merit of that suggestion is that on some, even further future occasion, it would leave Sir Frederick James free to announce that one leg had actually

arrived in the grave and I am, in fact, presenting him with two extra leases of life

Before I pass on to the various points raised this afternoon, I should like to say that I hope that the small amount of attention directed towards civil defence during the debates on the cut motion reflects an easiness in the minds of the public as regards the adequacy of the measures that have been taken and not an indifference to the subject. We heard so much of what I might call peacetime problems, such as poorly paid Government servants, minority and backward communities, and even of promotion in the Archaeological Department. Does this mean, Sir, that the minds of the peoples in British India are more concerned with these matters of internal economy than that of preparing to resist the enemy at our gates? If so, the outlook is serious. These internal matters will always be with us in one form or another, and so will the Japanese and the Germans, if we do not at this juncture concentrate our thoughts and energies and determination on the problems of withstanding and resisting the external enemy.

Sir, civil defence is entirely divorced from politics and we welcome help, advice and criticism from every quarter. In some quarters, there is a desire to assist in civil defence in ways other than the joining of Services organised by the Civil Defence authorities and this desire has been referred to as the setting up of parallel organisations. The Government of India do not read any of the public utterances made in this connection as indicating any desire or intention to set up rival organisations which would function side by side and in competition with official organisations. On the contrary, as is evidenced for instance in Bombay at the Sheriff's meeting held recently, there is practical indication of an intention to work in the completest harmony with the general plan for civil defence. As I have already said, the Civil Defence Department is striving to work out an organisation which is suited to Indian conditions and which will work successfully in India. If, therefore, large organised sections of the community prefer to undertake specific and agreed portions of the task without losing their identity, the Government of India will be the last to object.

**Maulana Zafar Ali Khan:** May I remind the Honourable Member that the Honourable the Home Member assured us the other day when I pointed out to him that volunteers of the Indian National Congress and the Muslim League had the same object in view which the Government had in protecting the interests of the people, but that they are regarded with suspicion, he assured us they would welcome their co-operation.

**Mr. N. V. H. Symons:** I am making this statement with the knowledge and concurrence of the Honourable the Home Member. As I was saying, if any large organized sections of the community prefer to undertake specific and agreed portions of the task without losing their identity, the Government of India will be the last to object. How any non-official organisation shall be fitted into the general plan for Civil defence is primarily a matter for the Provincial Governments to decide, but in this connection the remarks made by the Honourable Mr. Santosh Kumar Basu, Minister for Co-ordination of Civil Defence, Bengal, at a recent meeting of the Bengal Legislative Assembly are appropriate. He said

"I have stated before the House that as at present advised I do not think that it is possible for parallel organisations to function in purely A. R. P. work at the time when the enemy is actually carrying on a battle in the air. I have also made it

[Mr N V H Symons]

clear that in other spheres of civil defence activity, such as care of the injured outside casualty clearing areas, relief to the homeless, relief to the people leaving the City, protecting homes from fire, non official effort on an organisational basis may be welcome. Publicity in respect of A R P instructions to the ignorant and uneducated people is another important sphere where assistance will be welcome if it can be organised in co-operation with the Warden service. The reception and care of refugees has already been entrusted largely to non official effort and help in that direction will be welcome."

Now Sir, as regards the specific points raised today, the first point raised by Mr Lawson was, how far the functions of the Government of India were advisory and how far they were supervisory. The position up to a short time ago was that the Government of India were keeping a very strict and stringent control over the provinces, so strict that every single individual scheme on any matter of civil defence had to come up to Delhi and be examined here in the various Departments before it could be sanctioned. That, Sir, was proving to be a strangle hold and the position has now been radically altered and the provinces are given the freedom that an autonomous province can expect of getting on with civil defence on commonsense lines and on the lines directed generally by the Government of India. The sanctions we have, in view of the fact that the Government of India will eventually foot a large part of the Bill, are that should a province have been proved in any case to have departed from the general standards—we do not insist on meticulous observance of standards and model schemes,—but if there have been obviously unacceptable divergences from the standards laid down by the Government of India and from the advice given by the Government of India, the province that has departed from that advice and those instructions will have to pay the cost itself and we shall not pay anything from the Government of India for it. That is our main sanction and that is the only sanction which, as far as I know, the British Government has for the local bodies in England. But we go a little further than that.

The Director General of Civil Defence spends far more of his time on touring than he does at headquarters. He keeps the provinces that he visits in close touch with the views of the Government of India. The Honourable Member tours considerably, and we are now employing touring officers who will spend their whole time in certain areas of India, and they will see that the provinces are developing their civil defence on the right lines. And if there is any divergence which is serious that will be reported at once to the centre and we shall then take such action as seems necessary.

As regard, the ports, railways and factories the Honourable Member asked whether the Government of India were satisfied with the measures being taken by the provincial Governments to see that these important central things were not overlooked. All these things, Sir, are outside the scope of the Provincial Governments. The Government of India deal direct through the Railway Board with the railways and through the Communications Department with the ports and through the Labour Department with the major factories that are engaged on important national work.

**Mr C. P. Lawson:** Sir, may I interrupt the Honourable Member? My point was that where these provincial arrangements cross your central arrangements, are Government content with their operation where they

do cross? The labour in the provinces will obviously not live in your railway stations or in your ports. That was the point I raised.

**Mr. N. V. H. Symons** As far as labour goes that has to man these services, as far as we are aware, there is no Provincial Government that has not been quick to apply the lesson of Rangoon, as regards the extreme need of providing not only really adequate shelter for labour but adequate shelter for their families.

Then, Sir, I have already briefly touched on the next point that Mr Lawson raised about applying the lessons of home A R P. We have got experts here and we are most fortunate in that England has sent out some of her best experts to India who are now with us. We also get a whole mass of circulars and instructions that are issued by the Ministry of Home Security. Much of that stuff we find we cannot apply, but other we can apply straightaway and send out instructions, and other we have to adapt to Indian conditions. The officers who are engaged on that technical business are officers who have had both considerable experience of air-raid work in England and also a very long connection with India, and I think that that is the most efficient system that we could have of applying these lessons.

A statement has been made that four fifths of the technical training in Rangoon was found to be useless. That is, I think, made under a misapprehension. And here I will read out word for word a report drawn up by the Director General himself after spending about ten days in Rangoon shortly after the raids at the end of last December. He says

'The A R P organisation was very much the same in Rangoon as we are building up in India. Where there was failure, and much good work was done, the failure was due to shortage of training owing to newness of the organisation and consequent lack of leadership and discipline. There was nothing to show that their or our system is wrong or that paper schemes and detailed training are not of value. But when the test comes, and it is a tough one, much of the detail goes by the board and leadership and courage mean more than detailed technical knowledge. Many places have been too late to perfect their preparations, Rangoon is one of them.'

That, Sir, is the lesson of Rangoon.

**Mr. President** (The Honourable Sir Abdur Rahim) The Honourable Member's time is up.

**Mr. N. V. H. Symons** In that case I cannot now touch on the other points. It is a vast subject and I perhaps attempted to go into too much detail. I will conclude by saying how very much we welcome the concluding words of Mr Lawson's address when he appealed for the generous help of everybody in India in civil defence which is merely another name for self defence.

**Dr. Sir Ziauddin Ahmad** Sir, I expected that Mr Symons in his reply would give us the number of air-raid shelters constructed in Delhi, the alternative programmes he has got if by chance electricity or water supply failed and so on. But he told us nothing about these. I will here draw attention to one point. I have been engaged in establishing A R P shelters in Aligarh but our engineers could not find out the proper designs for these shelters. I thought the Department would do well if they would give us the designs and the plans and estimates for these shelters, which we may possibly use later on as shelters against dust and hot winds. We are wanting for assistance in the design of these A R P shelters.

[Dr Sir Ziauddin Ahmad]

The second thing is that the desire of the people, as I have noticed, is there. At least in Aligarh every student is anxious to know the science of protection because he does not know where he would be at the time when an air raid may occur. But at the same time, the details are wanting, the necessary literature is wanting, the teachers are wanting. Several members of our staff offered their services to learn protection against air raids in any school in order to become tutor, and I approached the Government of India and the United Provinces Government to tell us what schools we should send our staff for such training, but I got no information. So, the desire of the people to learn and know is there, but we want the Government to tell us in what way we can get this training.

The third thing is in regard to first aid. We were told that the old system of first aid has changed *vis-a-vis* the bombing by air and a good deal has already been done. I have tried to find out the necessary literature on the subject so that our first aid doctors may get in touch with it. I think it is very desirable that there should be some central depot from which all this information may be obtained and everybody who is anxious to help the public in this direction may know definitely where to go, and I think this department will do a great service if they will give a little grant to those people who are building air raid shelters, because they are rather expensive item and a grant in this direction will, I am sure, be exceedingly useful to the poor people. Sir, as the time is very short, I do not wish to say anything more on this subject.

**Mr Ananga Mohan Das** (Surma Valley cum Shillong Non-Muhammadian). Sir, I rise to support the motion moved by my Honourable friend, Mr Lawson. Sir, one cannot but strongly condemn the present policy of civil defence followed by the Government of India. With the fall of Singapore and Rangoon a sense of helplessness has come over the whole country, people have grown panicky. The whole Eastern Coast of India from Chittagong to Madras is threatened. The Province of Assam being the seat of Digboi oil mine is in an imminent danger of being bombed. Not only that, the road joining Chunking to Suiyva has made the Province of Assam a first class danger zone.

We do not know what military arrangements have been made by the Government, but as far as the problem of civil defence is concerned it seems that Government have done nothing for the protection of life and property of the people. What little the Government pretend to have done is nothing in comparison with the needs of the vast country like India. It must be said to the discredit of the Government that it is not alive to the urgency of war situation in this country. We want that youngmen between 20 to 30 should all be given military training and equipment. After that they should be enlisted as Home Guards for the defence of the country. It is high time that the civilian strength should be mobilized and an adequate army of Home Guards should be raised in every district and sub-division so that the invader may meet with resistance in every village where he lands. These youngmen should be trained to work in their own locality, the rivers, roads and jungles which are well-known to them. Want of equipment should not be a plea against this organization. What is wanted is to organize the youth of the country even with ordinary rifles and hand grenades. In these days of science and machinery unorganized people cannot stand against organized strength.

Organization is the need of the hour. The Government of the country should try its level best to increase the power of nation's resistance.

We have heard from the Secretary of State for India that the Government of India has achieved wonders in the expansion of the army. We can tell the Secretary of State that with proper State help, people of India can work wonders in the installation and expansion of Home Guards. The antiquated policy of mistrust of the people is responsible for the want of organization in the country. It is the people of the country who will defend their country and it is the duty of the Government to initiate and encourage patriotic efforts in every direction and to prepare people for any and every emergency. It is a pity that the Government of India so long watched with vigilance the existence of seditious leaflets in the boxes of school and college students but failed to watch the rise of Japanese power which is threatening the existence of the Government itself. Sir, I agree to the words of the editor of the *Statesman* that if the Japanese could push through Assam and Eastern Bengal it would be a miracle of shamefulness.

Sir, in regard to what the Joint Secretary, Civil Defence, has said about parallel organizations what we want is a strong central organization which will have the human touch and control provincial activities and which will impart confidence to the people. Proper propaganda is not being carried out in the country. What is wanted is the proper propaganda which will instill courage and fortitude in the public mind. The Joint Secretary says that civil defence is entirely different from politics. Sir, I beg to differ from him in this respect. It is the political attitude of the Government which will play a most important part in preparing the minds of the people. Therefore, the political question is the main thing which the Government should enter into and solve. If people are made to feel that the Government is theirs, the country is theirs and they have to defend their hearth and home and their Government, much enthusiasm will be imparted to the public mind and the whole country will be defended by the people with enthusiasm and courage.

**Qazi Muhammad Ahmad Kazmi** (Meerut Division, Muhammadan Rural). Sir, as I have very short time at my disposal, I will be very brief. I want to know definitely as to what is the reason for separating civil defence from military defence of the country itself? The difficulty is that when we are dealing with this subject and when the question of Home Guards comes, it is said that that question has to be dealt with by the military authorities. When the question of ordinary protection of cities comes

**Mr E. Raghavendra Rao**: What protection?

**Qazi Muhammad Ahmad Kazmi**: Protection against bombing, against aeroplanes, against raids. We are told that this is not the concern of the Civil Defence Department. This has to be dealt with by the military authorities.

Then comes the question of internal defence. The thing of which I am most afraid of is not so much bombing as internal disturbance and this side of the question is being given very little attention.

**Sir F. E. James**: By the Home Department.

**Qazi Muhammad Ahmad Kazmi:** That is the difficulty. It is just the difficulty which you wanted to create in the Supply Department—separation of supply and production. But they refuse to separate. In this case the divisions and sub divisions are so many that as soon as you give one suggestion, the jurisdiction of another department comes in. Sir, I want to know whether this Government is only preparing for an raid precautions which I think of very little consequence so far as this country is concerned, because the country is so vast. It is populated by four hundred million people. Bombs may create panic in some big cities but so far as the majority of the population of India is concerned, bombs can have much less effect on the population of India than they had on the population of London. We should not be afraid of bombing alone, but the chief problem to be solved by this Government is the question of internal defence. As soon as the control of the Central Government is loosened or the idea comes in to the minds of the public that the control of the Government is gone, you cannot conceive what troubles the population of India is bound to be subjected to.

**Mr President** (The Honourable Sir Abdur Rahim) Order, order. (It being Five of the Clock.) The question is

"That the demand under the head 'Executive Council' be reduced by Rs 100."

The motion was negatived.

#### DEMAND No 1—CUSTOMS

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 78,82,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Customs'."

The motion was adopted.

#### DEMAND No 2—CENTRAL EXCISE DUTIES

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 11,04,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Central Excise Duties'."

The motion was adopted.

#### DEMAND No 3—TAXES ON INCOME INCLUDING CORPORATION TAX

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 84,12,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Taxes on Income including Corporation Tax'."

The motion was adopted.



## DEMAND No 4—SALT

**Mr President** (The Honourable Sir Abdu. Rahim) The question is

"That a sum not exceeding Rs 62,43,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Salt' "

The motion was adopted

## DEMAND No 5 OPIUM

**Mr President** (The Honourable Sir Abdu. Rahim) The question is

"That a sum not exceeding Rs 48,16,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Opium' "

The motion was adopted

## DEMAND No 6—PROVINCIAL EXCISE

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 4,11,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Provincial Excise' "

The motion was adopted

## DEMAND No 7—STAMPS

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 27,39,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Stamps' "

The motion was adopted

## DEMAND No 8—FOREST

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 7,69,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Forest' "

The motion was adopted

DEMAND No 9—IRRIGATION (INCLUDING WORKING EXPENSES) NAVIGATION  
EMBANKMENT AND DRAINAGE WORKS

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 1,83,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works' "

The motion was adopted

**DEMAND No 10—INDIAN POSTS AND TELEGRAPHS DEPARTMENT (INCLUDING WORKING EXPENSES)**

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 11,72,94,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Indian Posts and Telegraphs Department (including Working Expenses)'"

The motion was adopted

**DEMAND No 11—INTEREST ON DEBT AND OTHER OBLIGATIONS AND REDUCTION OR AVOIDANCE OF DEBT**

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 81,63,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Interest on Debt and Other Obligations and Reduction or Avoidance of Debt'"

The motion was adopted

**DEMAND No 12—EXECUTIVE COUNCIL**

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 1,85,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Executive Council'"

The motion was adopted

**DEMAND No 13—COUNCIL OF STATE**

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 1,27,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Council of State'"

The motion was adopted

**DEMAND No 14—LEGISLATIVE ASSEMBLY AND LEGISLATIVE ASSEMBLY DEPARTMENT**

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 8,09,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Legislative Assembly and Legislative Assembly Department'"

The motion was adopted

## DEMAND No 15—HOME DEPARTMENT

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 5,45,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Home Department' "

The motion was adopted

## DEMAND No 16—CIVIL DEFENCE DEPARTMENT

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 1,86,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Civil Defence Department' "

The motion was adopted

## DEMAND No 17—DEPARTMENT OF INFORMATION AND BROADCASTING

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 11,35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Department of Information and Broadcasting' "

The motion was adopted

## DEMAND No 18—LEGISLATIVE DEPARTMENT

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 5,46,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Legislative Department' "

The motion was adopted

## DEMAND No 19—DEPARTMENT OF EDUCATION, HEALTH AND LANDS

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 5,16,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Department of Education, Health and Lands' "

The motion was adopted

## DEMAND No 20—DEPARTMENT OF INDIANS OVERSEAS

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 1,38,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Department of Indians Overseas' "

The motion was adopted

## DEMAND No 21—FINANCE DEPARTMENT

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 5,40,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Finance Department' "

The motion was adopted

## DEMAND No 22—COMMERCE DEPARTMENT

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 9,58,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Commerce Department' "

The motion was adopted

## DEMAND No 23—DEPARTMENT OF LABOUR

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 6,14,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Department of Labour' "

The motion was adopted

## DEMAND No 24—DEPARTMENT OF COMMUNICATIONS

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 2,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943, in respect of 'Department of Communications' "

The motion was adopted

## DEMAND No 25—CENTRAL BOARD OF REVENUE.

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 6,45,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Central Board of Revenue' "

The motion was adopted

## DEMAND No 26—INDIA OFFICE AND HIGH COMMISSIONER'S ESTABLISHMENT CHARGES

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 18,25,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'India Office and High Commissioner's Establishment Charges' "

The motion was adopted

DEMAND NO 27—PAYMENTS TO OTHER GOVERNMENTS, DEPARTMENTS, ETC.,  
ON ACCOUNT OF THE ADMINISTRATION OF AGENCY SUBJECTS AND MANAGE-  
MENT OF TREASURIES

**Mr. President** (The Honourable Sir Abdul Rahim) The question is

That a sum not exceeding Rs 1,11,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Payments to other Governments, Departments, etc., on account of the Administration of Agency Subjects and Management of Treasuries'

The motion was adopted

DEMAND NO 28—AUDIT

**Mr. President** (The Honourable Sir Abdul Rahim) The question is

That a sum not exceeding Rs 88,68,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Audit'

The motion was adopted

DEMAND NO 29—ADMINISTRATION OF JUSTICE

**Mr. President** (The Honourable Sir Abdul Rahim) The question is

That a sum not exceeding Rs 56,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Administration of Justice'

The motion was adopted

DEMAND NO 30—POLICE

**Mr. President** (The Honourable Sir Abdul Rahim) The question is

That a sum not exceeding Rs 29,35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Police'

The motion was adopted

DEMAND NO 31—PORTS AND PILOTAGE

**Mr. President** (The Honourable Sir Abdul Rahim) The question is

That a sum not exceeding Rs 15,96,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Ports and Pilotage'

The motion was adopted

DEMAND NO 32—LIGHTHOUSES AND LIGHTSHIPS

**Mr. President** (The Honourable Sir Abdul Rahim) The question is

That a sum not exceeding Rs 7,87,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Lighthouses and Lightships'

The motion was adopted

## DEMAND No 33—SURVEY OF INDIA

**Mr President** (The Honourable Sir Abdur Rahim) The question is

‘That a sum not exceeding Rs 14,27,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of ‘Survey of India’.”

The motion was adopted

## DEMAND No 34—BOTANICAL SURVEY

**Mr President** (The Honourable Sir Abdur Rahim) The question is

‘That a sum not exceeding Rs 46,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943, in respect of ‘Botanical Survey’.”

The motion was adopted

## DEMAND No 35—ZOOLOGICAL SURVEY

**Mr President** (The Honourable Sir Abdur Rahim) The question is

“That a sum not exceeding Rs 1,21,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943 in respect of ‘Zoological Survey’.”

The motion was adopted

## DEMAND No 36—GEOLOGICAL SURVEY

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That a sum not exceeding Rs 3,59,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943 in respect of ‘Geological Survey’.”

The motion was adopted

## DEMAND No 37—MINES

**Mr President** (The Honourable Sir Abdur Rahim) The question is

“That a sum not exceeding Rs 1,50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943 in respect of ‘Mines’.”

The motion was adopted

## DEMAND No 38—ARCHAEOLOGY

**Mr President** (The Honourable Sir Abdur Rahim) The question is

“That a sum not exceeding Rs 11,53,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of ‘Archaeology’.”

The motion was adopted

## DEMAND No 39—METEOROLOGY

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 23,75,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Meteorology' "

The motion was adopted

## DEMAND No 40—OTHER SCIENTIFIC DEPARTMENTS

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 3,22,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943 in respect of 'Other Scientific Departments' "

The motion was adopted

## DEMAND No 41—EDUCATION

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 11,37,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943 in respect of 'Education' "

The motion was adopted

## DEMAND No 42—MEDICAL SERVICES

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 11,19,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943 in respect of 'Medical Services' "

The motion was adopted

## DEMAND No 43—PUBLIC HEALTH

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 11,37,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Public Health' "

The motion was adopted

## DEMAND No 44—AGRICULTURE

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 31,36,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Agriculture' "

The motion was adopted

## DEMAND No 45—IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 3,37,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943 in respect of Imperial Council of Agricultural Research"

The motion was adopted

## DEMAND No 46—AGRICULTURAL MARKETING

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 4,53,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of Agricultural Marketing"

The motion was adopted

## DEMAND No 47—IMPERIAL INSTITUTE OF SUGAR TECHNOLOGY

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943 in respect of Imperial Institute of Sugar Technology"

The motion was adopted

## DEMAND No 48—CIVIL VETERINARY SERVICES

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 943,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943 in respect of 'Civil Veterinary Services'"

The motion was adopted

## DEMAND No 49—INDUSTRIES

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 9,11,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943, in respect of 'Industries'"

The motion was adopted

## DEMAND No 50—SCIENTIFIC AND INDUSTRIAL RESEARCH

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 14,35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943 in respect of 'Scientific and Industrial Research'"

The motion was adopted



## DEMAND No 51—AVIATION

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 1,23,97,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943 in respect of 'Aviation' "

The motion was adopted

## DEMAND No 52—BROADCASTING

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 58,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943 in respect of Broadcasting "

The motion was adopted

## DEMAND No 53—CAPITAL OUTLAY ON BROADCASTING (CHARGED TO REVENUE)

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of Capital Outlay on Broadcasting (charged to Revenue) "

The motion was adopted

## DEMAND No 54—EMIGRATION—INTERNAL

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 14,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of Emigration—Internal "

The motion was adopted

## DEMAND No 55—EMIGRATION—EXTERNAL

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 2,61,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943, in respect of Emigration—External "

The motion was adopted

## DEMAND No 56—COMMERCIAL INTELLIGENCE AND STATISTICS

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 8,48,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Commercial Intelligence and Statistics' "

The motion was adopted

## DEMAND No 57—CENSUS

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 4,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1943, in respect of 'Census' "

The motion was adopted

## DEMAND No 58—JOINT-STOCK COMPANIES

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 1,86,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Joint stock Companies' "

The motion was adopted

## DEMAND No 59—MISCELLANEOUS DEPARTMENTS

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 9,22,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943 in respect of 'Miscellaneous Departments' "

The motion was adopted

## DEMAND No 60—CURRENCY

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 59,15,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Currency' "

The motion was adopted

## DEMAND No 61—MINT

**Mr. President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 90,80,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Mint' "

The motion was adopted

## DEMAND No 62—CIVIL WORKS

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 1,45,21,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Civil Works' "

The motion was adopted

## DEMAND No 63—CENTRAL ROAD FUND

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That a sum not exceeding Rs 1,28,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Central Road Fund' "

The motion was adopted

## DEMAND No 64—SUPERANNUATION ALLOWANCES AND PENSIONS

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That a sum not exceeding Rs 1,12,56,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Superannuation Allowances and Pensions' "

The motion was adopted

## DEMAND No 65—STATIONERY AND PRINTING

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That a sum not exceeding Rs 1,12,24,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Stationery and Printing' "

The motion was adopted

## DEMAND No 66—MISCELLANEOUS

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That a sum not exceeding Rs 21,01,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Miscellaneous' "

The motion was adopted

## DEMAND No 67—GRANTS IN AID TO PROVINCIAL GOVERNMENTS

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That a sum not exceeding Rs 1,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Grants in aid to Provincial Governments' "

The motion was adopted

## DEMAND No 68—MISCELLANEOUS ADJUSTMENTS BETWEEN THE CENTRAL AND PROVINCIAL GOVERNMENTS

**Mr President** (The Honourable Sir Abdur Rahim) The question is

That a sum not exceeding Rs 1,28,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Miscellaneous Adjustments between the Central and Provincial Governments' "

The motion was adopted

## DEMAND No 69—CIVIL DEFENCE

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 3,69,50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Civil Defence' "

The motion was adopted

## DEMAND No 70—DELHI

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 56,22,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Delhi' "

The motion was adopted

## DEMAND No 71—AJMER MERWARA

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 30,98,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Ajmer Merwara' "

The motion was adopted

## DEMAND No 72—PANTH PIPILODA

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 13,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Panth Pipiloda' "

The motion was adopted

## DEMAND No 73—ANDAMAN AND NICOBAR ISLANDS

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 44,59,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Andaman and Nicobar Islands' "

The motion was adopted

## DEMAND No 74—INDIAN POSTS AND TELEGRAPHS

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 20,89,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Indian Posts and Telegraphs' "

The motion was adopted

## DEMAND No 75—INDIAN POSTS AND TELEGRAPHS—STORES SUSPENSE (NOT CHARGED TO REVENUE)

**Mr President** (The Honourable Sir Abdur Rahim) The question is

‘That a sum not exceeding Rs 35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of ‘Indian Posts and Telegraphs—Stores Suspense (not charged to Revenue)’

The motion was adopted

## DEMAND No 76—INDIAN POSTS AND TELEGRAPHS—CAPITAL OUTLAY ON TELEPHONE PROJECTS (NOT CHARGED TO REVENUE)

**Mr President** (The Honourable Sir Abdur Rahim) The question is

‘That a sum not exceeding Rs 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943 in respect of ‘Indian Posts and Telegraphs—Capital Outlay on Telephone Projects (not charged to Revenue)’

The motion was adopted

## DEMAND No 77—CAPITAL OUTLAY ON VIZAGAPATAM HARBOUR

**Mr President** (The Honourable Sir Abdur Rahim) The question is

‘That a sum not exceeding Rs 1,50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of ‘Capital Outlay on Vizagapatam Harbour’

The motion was adopted

## DEMAND No 78—DELHI CAPITAL OUTLAY

**Mr President** (The Honourable Sir Abdur Rahim) The question is

‘That a sum not exceeding Rs 24,16,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943 in respect of ‘Delhi Capital Outlay’

The motion was adopted

## DEMAND No 79—COMMUTED VALUE OF PENSIONS

**Mr President** (The Honourable Sir Abdur Rahim) The question is

‘That a sum not exceeding Rs 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943 in respect of ‘Commuted Value of Pensions’

The motion was adopted

## DEMAND No 80—INTEREST FREE ADVANCES

**Mr President** (The Honourable Sir Abdur Rahim) The question is

‘That a sum not exceeding Rs 1,58,72,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of ‘Interest free Advances’

The motion was adopted

## DEMAND NO 81—LOANS AND ADVANCES BEARING INTEREST

**Mr President** (The Honourable Sir Abdur Rahim) The question is

"That a sum not exceeding Rs 1,55,03,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1943, in respect of 'Loans and Advances bearing Interest' "

The motion was adopted

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 11th March, 1942

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